United Nations A/49/PV.74

General Assembly
Forty-ninth Session

Official Records

74th Meeting
Friday, 2 December 1994, 10 a.m.
New York

President: Mr. Essy ..... (Côte d'Ivoire)

The meeting was called to order at 10.35 a.m.

Agenda item 37 *(continued)*

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance

(b) Special economic assistance to individual countries or regions

(i) Reports of the Secretary-General (A/49/158, A/49/263 and Corr.1, A/49/356, A//49/376, A/49/387 and Corr.1, A/49/388, A/49/396, A/49/397, A/49/431, A/49/456, A/49/466, A/49/470, A/49/516, A/49/562, A/49/581, A/49/683)

(ii) Draft resolutions (A/49/L.28, A/49/L.30, A/49/L.31/Rev.1)

(c) International Decade for Natural Disaster Reduction

(i) Note by the Secretary-General (A/49/453)

(ii) Report of the Secretary-General of the World Conference on Natural Disaster Reduction (A/CONF.172/9 and Add.1)

(iii) Draft resolution (A/49/L.21)

(f) Emergency international assistance for a solution to the problem of refugees, the restoration of total peace, reconstruction and socio-economic development in war-stricken Rwanda: draft resolution (A/49/L.24/Rev.2)

(g) Special assistance to countries receiving refugees from Rwanda: draft resolution (A/49/L.17/Rev.3)

The President *(interpretation from French)*: This morning the General Assembly will resume its consideration of agenda item 37.

Members will recall that on 28 November the Assembly concluded its debate on the sub-items of agenda item 37, with the exception of sub-item (e).

We shall now proceed to consider some of the draft resolutions before us, namely, A/49/L.17/Rev.3, A/49/L.21, A/49/L.24/Rev.2, A/49/L.28, A/49/L.30 and A/49/L.31/Rev.1.

The Assembly will now take decisions on six of the draft resolutions submitted under agenda item 37.

Under sub-item (b), three draft resolutions have been introduced.

The first is draft resolution A/49/L.28, entitled "Economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro)".

94-87324 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Section, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum. When the result of a recorded and/or roll-call vote is followed by an asterisk, see annex to the record.

I should like to inform the Assembly that Argentina, Belarus, Denmark, Uganda and Sweden have become sponsors of this draft resolution.

May I take it that the Assembly decides to adopt draft resolution A/49/L.28?

Draft resolution A/49/L.28 was adopted. (resolution 49/21 A).

The President *(interpretation from French)*: The second is draft resolution A/49/L.30, entitled "Financing of the Palestinian Police Force".

I should like to inform members that Egypt has become a sponsor of the draft resolution.

May I take it that the Assembly decides to adopt draft resolution A/49/L.30?

Draft resolution A/49/L.30 was adopted (resolution 49/21 B).

The President *(interpretation from French)*: The third is draft resolution A/49/L.31/Rev.1, entitled "Special emergency assistance for the economic recovery and reconstruction of Burundi".

I should like to announce a slight correction in the text of the draft resolution. Members will please note that the word "substantially" was inadvertently omitted from the fourth preambular paragraph. The fourth preambular paragraph should now read:

> "Noting that Burundi has been making efforts to alleviate the adverse impact of the recent political turmoil on its economy and has thus helped substantially to improve the situation".

Mr. Sleeuwagen (Belgium) *(interpretation from French)*: Belgium would like to be included among the sponsors of draft resolution, A/49/L.31/Rev.1.

The President *(interpretation from French:* May I take it that the Assembly decides to adopt draft resolution A/49/L.31/Rev.1, with that addition?

Draft resolution A/49/L.31/Rev.1 was adopted (resolution 49/21 C).

The President *(interpretation from French)*: Under sub-item (c), draft resolution A/49/L.21, recommended by the Economic and Social Council, is entitled "International Decade for Natural Disaster Reduction".

May I take it that the Assembly decides to adopt draft resolution A/49/L.21?

Draft resolution A/49/L.21 was adopted (resolution 49/22).

The President *(interpretation from French)*: Under sub-item (f), draft resolution A/49/L.24/Rev.2 is entitled "Emergency international assistance for a solution to the problem of refugees, the restoration of total peace, reconstruction and socio-economic development in war-stricken Rwanda".

I should like to announced that India has joined the list of sponsors of the draft resolution.

May I take it that the Assembly decides to adopt draft resolution A/49/L.24/Rev.2?

Draft resolution A/49/L.24/Rev.2 was adopted (resolution 49/23).

The President *(interpretation from French)*: Under sub-item (g), draft resolution A/49/L.17/Rev.3 is entitled "Special assistance to countries receiving refugees from Rwanda".

I should like to point out that the text of paragraph 3 of the English version of the draft resolution contains some inadvertent errors. The correct text should read:

(spoke in English)

> "*Urges* all States, intergovernmental and non-governmental organizations and calls upon the international financial and development institutions to provide all possible financial, technical and material assistance with a view to facilitating the restoration of the basic services destroyed in the countries receiving Rwandese refugees";

(spoke in French)

May I take it that the General Assembly decides to adopt draft resolution A/49/L.17/Rev.3?

Draft resolution A/49/L.17/Rev.3 was adopted (resolution 49/24).

The President *(interpretation from French):* Before calling on the first speaker in explanation of position on the six resolutions, may I remind delegations that such explanations are limited to 10 minutes and should be made by delegations from their seats.

Mr. Oulsa (Islamic Republic of Iran): My delegation would like to comment on draft resolution A/49/L.30, which has just been adopted. We feel that the agreements referred to in the document will not lead to the full restoration of the inalienable rights of the Palestinian people.

In addition, my delegation would like to express its reservations regarding any part of the resolution which might be construed as any recognition of Israel.

The President *(interpretation from French)*: There are no further speakers in explanation of vote.

I should like to inform members that the Assembly will consider the remaining draft resolutions under agenda item 37 at a later date, to be announced in the *Journal*.

Agenda item 150

Commemoration of the fiftieth anniversary of the end of the Second World War: draft resolution (A/49/L.33 and Corr.2)

The President *(interpretation from French):* I call on the representative of the Russian Federation to introduce draft resolution A/49/L.33 and Corr.2.

Mr. Lavrov (Russian Federation) *(interpretation from Russian):* I have the honour of speaking on behalf of the delegations of Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan, Uzbekistan, Ukraine and the Russian Federation.

As the representative of the country that is chairing the Charter bodies of the Commonwealth of Independent States, I have great pleasure in addressing the Assembly with regard to the fiftieth anniversary of the end of the Second World War — a major event that we shall be celebrating very soon. In Russia, as in other States members of the international community, the war affected virtually every family. Thus we attach great importance to this event. The President of the Russian Federation, Boris Yeltsin, appealed to the United Nations to commemorate the end of the Second World War in a dignified manner, and his proposal was approved by a special decision of the Council of Heads of State of the Commonwealth of Independent States.

One of the major lessons following the victory that was achieved through the united efforts of many peoples of various countries was that the preservation and maintenance of international peace and security requires that there be united, agreed, active steps on the part of all peace-loving States, that disputes be prevented where possible and that those that arise be settled by purely peaceful means. This is especially important at the present time as there is still the possibility of armed conflict between States, ethnic and local conflicts continue to cause bloodshed, and we face the increased danger of the spread of weapons of mass destruction.

We are convinced that no objective justifies the unleashing of war. The maintenance of peace is the highest ambition of our States and of all other members of the world community. The delegations on whose behalf I have the honour to speak, like all the other sponsors of the draft resolution, proceed from the premise that the States Members of the United Nations must do their utmost to put an end to the current armed conflicts, to prevent the emergence of such conflicts in the future and to enhance in every possible way the effectiveness of the United Nations as a central element of the system of collective security aimed at achieving this lofty goal proclaimed in the Organization's Charter:

> "to save succeeding generations from the scourge of war".

I should like briefly to introduce the draft resolution in document A/49/L.33 and Corr.2. I note with pleasure that the 46 sponsors listed in the draft have been joined by the Czech Republic and Hungary.

In the preambular paragraphs the General Assembly stresses that the end of the Second World War established the conditions for the creation of the United Nations; solemnly reaffirms the resolute commitment of all Member States to the purposes and principles of the Charter of the United Nations; stresses that remaining legacies of the Second World War should be overcome and that all Member States should cooperate in creating a new environment of international harmony; and stresses that it is in the common interests of mankind to promote actively the role and efficiency of the United Nations as a central element of the collective security system and as

an effective instrument for the maintenance of international peace and security.

In the operative paragraphs of the draft resolution the General Assembly proclaims the year 1995 as World Year of People's Commemoration of the Victims of the Second World War; calls upon all States and peoples solemnly to commemorate the fiftieth anniversary of the end of the Second World War; decides to a special solemn meeting of the Assembly on 18 October 1995 in memory of the victims of the war; and requests the Secretary-General to take the necessary measures for the implementation of the resolution.

We call upon all States Members of the United Nations, in memory of the millions who suffered and died in the flames of the Second World War, to commemorate in a comprehensive and solemn manner this memorable date in the history of mankind. We hope that the draft resolution will be adopted by consensus.

Mr. Graf zu Rantzau (Germany): I have the honour to speak on behalf of the European Union, Austria, Finland and Sweden.

The year 1995 marks the fiftieth anniversary of the end of the Second World War — the most devastating war ever witnessed by mankind. It is altogether fitting that during the course of the coming year we the States Members of the United Nations should pay special tribute to the sacrifices wrought by the war.

The European Union therefore fully supports the draft resolution that is before the General Assembly. We welcome the initiative of the Russian Federation in this regard, and we have cooperated closely in the preparation of the draft resolution, among whose sponsors are all States members of the European Union, as well as the acceding countries.

The European Union has brought together countries that fought on opposing sides in the Second World War. Most of today's member States were directly affected by the War. Despite dramatically different experiences, there is agreement that the victory of the Alliance then referred to as "the united nations" represented an act of liberation. To say this is not to ignore the division of Europe that also resulted from the war.

Our peoples remember all too well the horrors of the Second World War. Commemorating all victims of the War goes beyond remembering those who died or suffered. It is a matter of honouring the men and women who fought for the restoration of human dignity. It is a matter of mourning the innocent who suffered. Finally, it is a matter of preserving the memory of all victims for future generations.

As the draft resolution rightly notes, the end of the Second World War established the conditions for the creation of the United Nations. The Charter of the Organization is a living monument to the lessons learned as a result of the War. The scourge of war has not been eradicated. But the United Nations and the principles of its Charter are essential tools in the struggle for peace and fundamental human rights. It is thus appropriate that we should today solemnly reaffirm our commitment to the Organization and to those principles.

We hope that the year of commemoration proclaimed by this draft resolution will inspire our peoples. We hope that private and Government activities will address young people in particular. After all, 1995 is intended to be a people's year of commemoration, and not just a series of official events.

The European Union is willing to contribute, within the United Nations framework, to a dignified, solemn meeting of the General Assembly on 18 October 1995.

We hope that the draft resolution before the Assembly will be adopted by consensus.

Mr. Gnehm (United States of America): The United States is proud to co-sponsor the draft resolution which proclaims 1995 as World Year of Peoples' Commemoration of the Victims of the Second World War. The text calls for a special meeting of this body on 18 October next. It is fitting that the General Assembly should undertake a solemn commemoration of the fiftieth anniversary of the end of the bloodiest and most destructive war in history, a conflict that took the lives of some 53 million people and caused enormous suffering to people in all corners of the world.

It is fitting that the Russian Federation is the principal sponsor of this commemorative draft resolution. Twenty-six million Russians lost their lives in what Russians call "the great patriotic war" and what this body must ensure was the last great war. This commitment to peace can only be quickened and given poignancy by our remembering the people of Leningrad, who heroically withstood the horrors of a 900-day siege, and the heroes of Stalingrad, who made an enormous contribution to

final victory; by our never forgetting the brave men and women of America's armed forces who died in Europe, Africa, Asia and the Pacific, from Pearl Harbor to Iwo Jima, from D-Day to the Battle of the Bulge; by our recalling the citizens of Nanjing, Warsaw, Rotterdam, London, Malta, Manila and Singapore, upon whom unspeakable horrors were visited; and, yes, by remembering the dead of Hamburg, Dresden and Cologne, Tokyo, Hiroshima and Nagasaki.

The Second World War brought great suffering to people everywhere: to soldiers, sailors, airmen and marines who died in battle and to innocent civilians, including the millions who died in the concentration camps of the holocaust. Far, far too many around the world still carry with them the tragic memories and physical scars of a conflict that soaked native soils with the blood of men, women and children.

The burden of the war was not confined to any single nation; all suffered. It is our hope therefore that all will pause and reflect. Memories of this terrible collective experience cannot be allowed to fade. The world must never again open itself to the horrors of global war.

In paragraph 2 draft resolution A/49/L.33

> "*Calls upon* all States and peoples solemnly to commemorate the fiftieth anniversary of the end of the Second World War".

My Government has already created a Second World War remembrance committee to conduct activities on the national level and coordinate local commemorations in thousands of communities across the United States. This committee has been developing educational resources and programmes, and has mounted travelling exhibits on the war effort and the war's aftermath.

Over the Year, veterans' groups in cities and towns across the United States will hold commemorations, often in conjunction with veterans from other countries. In addition, various museums will stage exhibits on the contribution of American industry and science to the war effort, as well as the contributions of American civilians on the home front; requiem concerts will be held around the country in memory of the victims of the conflict; and panels will discuss how best to avoid another world-wide conflict, including, of course, the important role to be played by the United Nations in preventing wars.

During these activities the focus will not be on recrimination. Americans will certainly remember the great sacrifices they and their families and relatives made 50 years ago. They will remember the great personal tragedies experienced by the peoples of many nations. More importantly, they will remember the spirit of international cooperation and mutual assistance that the war brought forth and the role this spirit played, and continues to play, in nurturing peace, democracy and individual liberty throughout the world. They will remember that the United Nations, like a phoenix, emerged out of the ashes of the Second World War, and that all parties to the conflict have now pledged, in the words of the Charter,

> "to save succeeding generations from the scourge of war".

Our common determination to avoid another global catastrophe forms the roots of the United Nations. Looking back to what inspired us then, we must rededicate ourselves to the aims and ideals of this Organization: the search for disarmament, programmes of economic and social development and, above all, efforts to establish enlightened norms of human rights and dignity and the rule of law. This is the legacy left us by those who fought during the Second World War. Let us honour their sacrifices, and let us demonstrate our gratitude by building the peace for which they gave their last full measure. Our worth will be measured by the quality of the peace we build in their honour.

As the last post sounds before the monuments to the war dead in each of our lands, let each of us pledge that they shall be remembered. Our peace and our very lives have been paid for by their sacrifices. They shall be remembered.

Mr. Yaacobi (Israel): At the outset, allow me to express our appreciation to the Russian Federation for taking the initiative of bringing this issue before the General Assembly. Israel has lent its wholehearted support to the Russian initiative to commemorate the fiftieth anniversary of the end of the Second World War. We are also proud to co-sponsor the draft resolution on the commemoration.

Commemorating the end of the Second World War is our moral obligation, not only to the fallen soldiers, to the civilian victims and to the honoured veterans, but also to the generations to come so that they may learn from the past. The lessons of the Second World War are

eternal lessons — always pertinent, always worthy of attention.

When we consider the bloodshed and slaughter that have taken place since the end of the Second World War, we must ask if the world has fully learned the lessons of that war. One of this century's greatest world leaders, Winston Churchill, once said: "An appeaser is one who feeds a crocodile hoping it will eat him last." Appeasement and isolationism have not disappeared from the world. Rather, these sentiments have been heard loud and clear in many places. Such short-sightedness enabled fascism and nazism to rise in the years before the Second World War. The terrible cost has to be lesson for us all, especially today.

The price of appeasement, aggression and conflict in the Second World War is staggering: tens of millions of soldiers and civilian dead in the largest bloodbath in history; a generation of young men sacrificed; the cultural centres of the world ravaged; the intelligentsia massacred and art, architecture, beauty and life destroyed.

The war launched by the Nazis shattered the entire world and directed special fury against the Jewish people. Not only was the systematic annihilation of European Jewry unique in the history of the Second World War, it was — and remains — unique in the history of mankind. The Nazis mobilized every sector of society in a national effort to destroy all Jews. The Government, the military, science, academia, business, the arts — all collaborated first to dehumanize and then to destroy. The Nazis did not intend to conquer or enslave, but rather to annihilate an entire nation. Jews were murdered because they were Jews. They were guilty of nothing other than being born to Jewish parents. One of the survivors of the Holocaust, Elie Wiesel, put it best when he wrote: "Not all victims were Jews. But all Jews were victims."

The years between 1939 and 1944 marked the final — and darkest — days of Jewish statelessness. The systematic extermination of the civilian Jewish populations of Nazi-occupied areas became one of the Nazis' main war goals. Six million Jews, one third of the world Jewish population, were wiped out.

The Jewish people's role in the Second World War was not only that of victim. Jewish soldiers joined in the fight against the Nazis. They fought as Jews in the Resistance armies and undergrounds all over Europe. Jews in Mandatory Palestine fought proudly in the Jewish Brigade of the British Army. Those who were citizens of Allied countries fought as Russians, Americans, British, Canadians, French and others.

We all owe a debt of honour and gratitude to the nations which fought to end the war, to liberate the occupied countries and to give new hope to the people and nations of the world. It was their finest hour. I hope that we all act in a manner befitting the memory of the millions who sacrificed their young lives to save others, to save humanity.

We have an obligation to build a world based on tolerance and mutual respect — but let us never be tolerant of fanaticism, fascism or dictatorship. All these still plague the world today. Our mission is perhaps greater than it was immediately following the end of the Second World War. We cannot change the past, but we can learn its lessons. We have a responsibility to shape the future wisely. This has to be the outcome of the commemoration of the fiftieth anniversary of the Organization.

The United Nations was established on the ruins of a world destroyed by hatred and violence in order "to save succeeding generations from the scourge of war". The dangers of bigotry, prejudice and discrimination are among the enduring lessons of that dark period in human history. The United Nations has a special mission to ensure that such evil never rears its head again. As it carries out this task, may its Member States always remember its roots and may they faithfully chart its course into the future.

Mr. Li Zhaoxing (China)*(interpretation from Chinese)*: The Second World War, which ended some 50 years ago, was an unprecedented calamity in human history that plunged the whole world into a disaster. A great many people lost their lives or experienced unspeakable sufferings under the iron heel of aggressors. What is more, many people with lofty ideals gave their precious lives fighting against aggression, defending national sovereignty and territorial integrity and striving for peace and freedom.

China, invaded by foreign aggressors, was a victim of the war. At the same time, it was one of the major participants in the world-wide struggle against fascism. Like many other peace-loving and justice-upholding countries and peoples, China and the Chinese made tremendous sacrifices and important contributions to the overall victory of the Second World War.

Indeed, the lesson of the Second World War is a bitter one. Past experience, if not forgotten, is a guide for the future. The Chinese delegation is of the view that the observance of the fiftieth anniversary of the victory of the Second World War is of great practical and far-reaching historical significance in enabling us to cherish the memory of those innocent victims and those who sacrificed their lives for justice and peace, to voice the common aspiration of people the world over for peace and, at the same time, to educate the world's people and future generations by drawing lessons from history in order to value peace and prevent the recurrence of war.

Today's world is by no means tranquil. There are still various destabilizing factors. Conflicts and disputes in some regions, in particular, pose a serious threat to world peace and stability, as well as to people's lives and property. Under such circumstances, the international community, including the United Nations, is faced with the arduous question how better to safeguard world peace and security.

China has consistently pursued an independent foreign policy of peace. It stands for the peaceful settlement of disputes and opposes the use or threat of force in international relations. In our view, the basic way to prevent international conflict is through strict observance of the Five Principles of Peaceful Coexistence, namely, mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful coexistence.

These principles have been proved by practice to have immense vitality. All nations, notwithstanding their differences in social systems, ideologies, values or religious faiths can live in amity and carry out mutually beneficial cooperation as long as they abide by these principles. Failure to do so will lead to friction, confrontation or even military conflicts. In a world as diversified as ours, nations have no alternative but to adhere to the Five Principles of Peaceful Coexistence and to find common ground while shelving differences in order to live together amicably and pursue common development.

The United Nations emerged from the total victory of the people of the world in the anti-fascist war. It has travelled a long and uncommon road against the background of a volatile international scene for half a century. In the wake of drastic changes in the international situation, we hope that the United Nations will, under the guidance of the Charter of the United Nations, and with the joint efforts of the entire membership, continue to play its due role in safeguarding world peace and security and promoting international development and cooperation.

As a permanent member of the Security Council, China is an important force for safeguarding world peace. At present, the 1.2 billion Chinese people are engaged in national construction and economic development. We need peace. We are ready to work with people all over the world in a joint effort to eliminate the scourge of war once and for all and build a beautiful world with lasting peace and common development.

Mr. Velliste (Estonia): I am speaking here today on behalf of Latvia, Lithuania and my own country, Estonia.

The global commemoration of the end of the battles of the Second World War is an event we have long awaited. Yet, even as the anniversary of the end of the war approaches, we also remember that for many countries in Europe hostilities did not, unfortunately, end in May or September 1945. Some countries, such as Estonia, Latvia and Lithuania have struggled with the consequences of the Second World War for decades. We fully subscribe to the notion expressed in the preambular paragraphs of the resolution, in which the Assembly would stress the need to eliminate the remaining legacies of Second World War in conformity with the purposes and principles of the Charter of the United Nations. We also hope that the commemoration will allow us to face the past honestly in order to avoid repeating the same mistakes. Much public debate and discussion over the legacy and consequences of the Second World War have taken place in the Baltic countries since the first pro-democracy movements were established in 1987, and we hope to contribute actively to the global commemoration of the end of the war, to be held next year.

There are very many lessons to be learned from the dreadful experiences of the Second World War. Many in this Hall will focus on those events which have affected them most. We would like to draw attention to two lessons in particular which have been of great significance to our countries.

The concept of dividing countries or regions into spheres of influence set the stage for the Second World War. The excuse that the rights of fellow countrymen were being protected led to the occupation of Czechoslovakia. We must draw the appropriate conclusions from those two lessons.

In our reflections on past events, we must look back honestly and be careful not to create new and untrue myths. It is so easy to follow a false prophet, as was done in 1969 when the Commission on Human Rights decided to participate in the commemorations of the one hundredth anniversary of Lenin's birth. About 20 years later, the myth of Lenin was exposed and his message discarded in the ash heap of history. However, it will take generations to correct the false legacy of that myth.

The ethnic and religious conflicts that now threaten many parts of the world, but especially Europe, clearly demonstrate that policies which have attempted to bury the past and forge a false history have led to unholy atrocities that have reached a scale of horror reminiscent of that in the Second World War. Therefore, in the commemorations we will all be holding at the national and the global levels, let us pledge to examine both the war itself and the full extent of its consequences in a manner which will best honour the memory of all who have suffered as a result of it.

The best way to honour the memory of all those who perished during the war is to avoid further confrontations and strengthen the system of collective security.

Mr. Owada (Japan): The year 1995 will be a historic occasion for reflection and celebration, marking as it does at the same time the fiftieth anniversary of the end of the Second World War, which brought untold sorrow to mankind, and the fiftieth anniversary of the birth of this universal organization for peace and cooperation: the United Nations.

It is most opportune and significant, therefore, that we proclaim the year 1995 as an occasion for the commemoration of the victims of the Second World War, as well as an occasion for reaffirming our commitment to the purposes and principles of the Charter of the United Nations.

The United Nations, created as a result of our determination to save succeeding generations from the scourge of war, represents the universal values which all the nations of the world, whatever their historic experiences, embrace. It is for this reason that the United Nations has grown as a truly international organization for peace and cooperation. Having transcended the divisions of the cold war, the United Nations is now expected to play a greater role than ever before in maintaining world peace and security. It is thus most gratifying that efforts are now under way within the United Nations to overcome certain remaining legacies of the Second World War as we approach this important milestone.

The fiftieth anniversary of the end of the Second World War will provide an excellent opportunity to reflect upon the valuable lessons we have learned during the past half-century of international cooperation, and to cement our common will to further strengthen the bonds of world peace as we look ahead to the twenty-first century. My country, Japan, has reflected with remorse upon the Second World War, and is determined never to waver from its commitment to contribute to world peace and prosperity. Japan does not, nor will it, resort to the use of force prohibited by its Constitution. Japan will remain resolutely a nation of peace.

In this spirit, my delegation has decided to join the initiative for the commemoration of the fiftieth anniversary of the end of the Second World War. Japan looks forward to the proposed commemoration as marking the beginning of a new era of peaceful and cooperative relations among all the nations of the world.

I should like to take this opportunity to express to the delegation of the Russian Federation my delegation's appreciation for the initiative it has taken in proposing the agenda item before us. My delegation heartily supports this initiative, and has become one of the sponsors of the draft resolution now before us. I am confident that the General Assembly will adopt it by consensus.

Mr. Gorita (Romania): The United Nations has not thus far commemorated the anniversaries of the wars that have ravaged mankind in the contemporary era. It is busy enough dealing with current wars and conflicts, which, unfortunately, daily take a heavy toll in human lives and cause the widespread destruction of what the human spirit and hands have created.

Commemorating a war could mean remembering the victims whether from among the victors or from among the vanquished. Shall we commemorate the former and ignore the latter? Is any State or Government in a position to draw a clear-cut distinction between the victors and the vanquished if it is to be mindful that the victims of war have always been ordinary people, innocent people, irrespective of the side they were on or fighting for? Clearly, the victim has always been human civilization itself.

To commemorate the end of a war is therefore not only an opportunity to hail a victory but also an

opportunity to meditate once again, more deeply and more objectively, upon its causes and consequences as well as upon the responsibilities of both the victors and the vanquished. It is also an opportunity to draw from it lessons that could make us all wiser when we scrutinize the state of the world today and try to arrive at solutions.

Romania, a peace-loving country, was dragged into the Second World War conflagration after suffering extremely painful territorial losses as a result of the Molotov-Ribbentrop Pact and of the Vienna Diktat in 1940. Romania had no other choice if it wanted to prevent its dissolution and perhaps its disappearance from the map of the world. Prior to any official declaration of war, large parts of Romanian territory, at both its western and its eastern borders, had already been under foreign occupation. Romania did not enter the war to serve any economic or political interests but to preserve its very existence as a State, a nation and a people.

Later, on 23 August 1944, through the determination of all its democratic forces, Romania joined the coalition of the United Nations and fought together with the Allies until the final defeat of the Nazi war machine. It is worth recalling that over half a million Romanian soldiers fought in the anti-Hitlerite war. In terms of the forces involved between August 1944 and May 1945, Romania ranks fourth among the Allied countries. Despite this important contribution, the status of co-belligerent was not granted to Romania. Echoes of that attitude were, unfortunately, retained in the United Nations Charter. I am confident that this historical injustice will soon be redressed, if we understand correctly the fourth preambular paragraph of draft resolution A/49/L.33, now before us, which states:

> "Stressing that remaining legacies of the Second World War should be overcome".

The delegation of Romania supports this draft resolution because it believes that it can be useful to reflect thoroughly upon the lessons of history. I would venture to say that the victims we are commemorating are not only the millions of individuals who paid the ultimate price, but also the peoples — the peoples for whom the United Nations Charter is designed.

Since peoples are the victims of wars, let us give them the means to participate in the process of government and to be consulted on matters affecting their destinies while affirming their right to live in peace. Thus far, peacemakers have not found a panacea for that recurrent illness that continues to afflict the world: warfare. We should try the medicine we have at hand and which may work, and that is democracy. Let us hope that the United Nations, in adopting the draft resolution before us, will not only proclaim 1995 as World Year of People's Commemoration of the Victims of the Second World War but will also draw from it the lessons relevant to its own endeavours to preserve and consolidate peace for present and future generations, thus completing the noble and unfinished work of those victims.

Mr. Azwai (Libyan Arab Jamahiriya) (*interpretation from Arabic*): The fact that fifty years have passed since the end of the Second World War is worthy of commemoration. We should like to thank the delegation of the Russian Federation, which has proposed the inclusion of this item on the agenda of the United Nations General Assembly as such commemoration should inspire us all with feelings of goodness and love for peace. It was this very spirit that triumphed, 50 years ago, over the spirit of evil and aggression that had dragged humanity into a war that claimed the lives of millions, razed to the ground whole cities, towns and villages and devastated whole nations that still suffer the consequences of such devastation.

It is clear that the commemoration of any historic occasion cannot focus on the past alone. That is why the commemoration of the fiftieth anniversary of the end of the Second World War, next year, will be an occasion that should make us take stock of the current international situation. In this context, it is worthy of note that, in the post war era, the international community was able to make several important achievements. Colonialism receded from most regions of the world. Many peoples were able to regain their rights to self-determination and independence. There now exists a near unanimous desire to achieve arms reduction. Efforts are being intensified towards overcoming international economic difficulties, protecting the environment and putting an end to hunger, disease and poverty. All these achievements, which have been made thanks to the common struggle of peoples, encourage us to try to achieve more successes in those areas.

That, as of necessity, will require serious international cooperation in resolving current economic and social problems and in developing plans that would ensure effective respect for human rights and the establishment of a new just and equitable international economic order. In addition, the world needs a concerted international effort to consolidate peace and security through the eradication of nuclear weapons and all

weapons of mass destruction. We must also strive to halt the proliferation of hotbeds of tension and dispute that continue to increase, in a dangerous manner indeed, as a result of internal differences and ethnic conflicts. Also, the vestiges of colonialism, which persist in some countries, should be dealt with and liquidated, courageously, by the international community. The question of Palestine, for instance, is an issue of colonialism, overt colonialism. There is no denying this fact and, therefore, any solution devised for the issue must take the fact into account.

One of the important historical events that took place after the end of the Second World War, was the establishment of the United Nations, as an international forum for the maintenance of international peace and security, the settlement by peaceful means of conflicts, guaranteeing the rule of international law, promoting friendly relations amongst nations and peaceful coexistence amongst States. We the peoples of the world who have placed our hopes in this Organization, as the guarantor of our security and defender of our independence should reaffirm our abiding commitment to the principles of the United Nations as this is the sole guarantee against the ambitions of certain States that try to use the United Nations as a tool that serves their own goals and interests in complete disregard of the noble principle of co-equality of States that figures prominently among the principles of the Organization.

It is indeed cause for concern, that such attempts should be made by major Powers that are supposed to bear a major responsibility towards the maintenance of international peace and security. There are numerous precedents that prove this fact. For instance, there has been military aggression by sea and by air in which more than a hundred war planes took part against my country, a Member State of the United Nations, under a pretext that has been proven to be false. The latest proof has come out in the recently published book of Victor Osteovsky entitled "The other side of Deception". Two of our citizens have been accused of having a hand in the crash of a United States aircraft. The accusation has been levelled by States that know full well the truth concerning the crash and the involvement of their own intelligence services in it. All the details are known to us and we shall reveal them if the parties agree and if the Security Council compels all parties to accept litigation before a just and fair-minded international court on neutral territory. Then we shall reveal all these facts which are known to them. This fabricated allegation was brought to the Security Council, although the issue relates to legal matters that in no way fall within the Security Council's competence. However the influence of a major Power and some of its very powerful allies has made it possible for this matter to be brought before the Security Council and for resolutions and sanctions to be adopted against the people of my country, who have continued to suffer greatly, for three years, as a result of this contrived situation. Thousands of children, women and the elderly have died as a result of these sanctions, due to lack of medicine, poor transport communications and lengthy distances.

As the entire international community knows, all this suffering was designed to force Libya to adopt a policy of appeasement, a policy of slavish acquiescence. However, we are not a servile people. We have paid a very high price because we have consistently refused to be any power's lackeys. All we wanted was to be free under the sun, as is the right of every people in the world. Every nation on earth must be made aware of the dangers inherent in such machinations. If the necessary measures are not adopted by the international community to put an end to such practices, certain major Powers will continue to use their clout and will go to the extremes of trampling the very principles and objectives of the United Nations in which all the small nations of the world, like my own, have invested the hope of protecting their sovereignty, their independence, and their right to live in freedom, without wars, conflicts or destruction.

When the Second World War ended, and hostilities ceased, armies and their weapons were withdrawn from the theatres of war. However, the legacy of war still lingers, as can be seen in the underdevelopment of those many countries that suffered the horrors and destruction of war and the millions of land-mines that were left behind in their soil — to kill and maim the innocents daily and impede efforts in the area of socio-economic development. Libya is one of the countries that have suffered and continue to suffer those after effects of war, because Libya's territory was part of the belligerents' theatre of operations. They left, but they left behind them hundreds of tons of weapons and millions of land-mines on our farms and in our deserts which explode every now and then, killing innocent people. I can only reiterate what my country stated before the General Assembly when it called upon the countries responsible for sowing those mines in our soil to abide by General Assembly resolutions and to provide the necessary technical assistance to eliminate these devices and compensate our countries for the damage they have caused.

The Second World War now belongs to history, but it is important that we reconsider the international

situation as it was before and after the outbreak of the war. Many peoples were then living under colonialism. Now that colonialism and foreign domination have disappeared, in the very least, we should ask those colonial Powers which crushed whole nations and wrought destruction and catastrophe to apologize to their victims. They should pay compensation for all their exploitation of those countries. From this podium, we reiterate our appeal to the nations of the world to adopt an historic resolution through our Organization condemning colonialism and compelling the colonial Powers to pay compensation to all the peoples that they colonized and persecuted in the past. That is the very least that must be done if colonialism and the suffering it caused are to be truly things of the past and not spectres that haunt the future of mankind.

Mr. Sardenberg (Brazil): The end of the Second World War in 1945 gave rise to a feeling of profound relief and to renewed hopes for the international community. We had survived the greatest conflagration in history. The magnitude of the loss of life and material destruction testified to the horrors withstood by peoples and by countries. Although the greater part of the hostilities took place in regions distant from Latin America, tragedy also touched the Brazilian people. Many civilians lost their priceless lives at sea during attacks against Brazilian passenger ships, while many Brazilian soldiers and airmen were sacrificed as they fought together with other allied forces to defeat the aggressors. We pay our heartfelt tribute to them and to the countless victims of the struggle against the forces of oppression all over the world.

Despite the tremendous sacrifices, the fact that justice and democracy had finally prevailed and that the countries emerging from the war had been able to articulate new forms of international coexistence served to renew mankind's hopes in the future.

It was in that spirit that the international community set out to rebuild the world order by establishing novel mechanisms for cooperation between nations. The goals were far-reaching — to save succeeding generations from the scourge of war and to promote the economic and social advancement of all peoples. These ideals were embodied in the Charter of the United Nations, as the single most advanced document in international relations and as the depositary of the hopes and expectations of nations large and small.

Subsequent developments, alas, were not entirely conducive to the full blossoming of all the potentialities of the world Organization.

Today, as we look back to those years, we may notice some similarities. Mankind once again looks to the future with renewed expectations. The cold war is over, and with it the threat of global annihilation. Hope in our ability to promote the advancement of all peoples seems to revive.

History has been kind to our generation, as it has offered us a second chance to restructure the international order on a more secure and equitable basis. We owe it to those who suffered in the past not to miss the opportunity to achieve the goals of peace and development this time. With this objective in mind, we must recommit ourselves to the goals of disarmament and development. We should, furthermore, undertake a careful but necessary restructuring of our Organization with a view to enhancing its legitimacy and effectiveness.

My delegation has co-sponsored the draft resolution contained in document A/49/L.33 and welcomes the initiatives contained therein. It is our belief that we must take to heart the lessons learned from the tragic events of the Second World War. Brazil considers it most appropriate that we dedicate the fiftieth anniversary of the end of that conflict to paying tribute to the memory of its victims and to ensuring that history will not repeat itself.

The President (*interpretation from French*): We have heard the last speaker in the debate on this item.

We shall now consider draft resolution A/49/L.33.

I should like to announce that Mongolia has become a sponsor of this draft resolution.

May I take it that the Assembly decides to adopt draft resolution A/49/L.33?

Draft resolution A/49/L.33 was adopted (resolution 49/25).

The President (*interpretation from French*): By paragraph 3 of the resolution just adopted, the General Assembly has decided to hold a special solemn meeting of the Assembly on 18 October 1995 in commemoration of the sacrifices wrought by the Second World War.

In order for the Assembly to hold this special meeting, it will be necessary to include in the agenda of the fiftieth session an item entitled "Commemoration of the fiftieth anniversary of the end of the Second World War".

May I take it that it is the wish of the General Assembly to do so?

It was so decided.

The President (*interpretation from French*): Several representatives wish to speak in exercise of the right of reply. May I remind members that, in accordance with General Assembly decision 34/401, statements in exercise of the right of reply are limited to 10 minutes for the first statement and 5 minutes for the second statement, and should be made by delegations from their seats.

Mr. Gelber (United States of America): An occasion for reconciliation has been abused by a representative whose remarks were wrong in law and an insult to the Security Council: an insult to its members, who have consistently voted to sustain United Nations resolutions that sanction a State supporting terrorism, and an insult to the memories of those who died as a result of terrorist acts supported by that speaker's Government.

Given the nature of the occasion, this time for reconciliation, the intervention I protest was totally lacking in taste.

Mr. Manley (United Kingdom): I also should briefly like to reply to the remarks made by the Permanent Representative of the Libyan Arab Jamahiriya on agenda item 150.

Like the representative of the United States, with whose comments I concur entirely, I believe those remarks to be factually incorrect and an insult to the Security Council and to the victims of the tragedies of Lockerbie and UTA (*Union de transports aériens*).

Mr. Ladsous (France) (*interpretation from French*): I wish to speak in exercise of my right of reply to the statement made by the representative of the Libyan Arab Jamahiriya.

My delegation expresses its full solidarity with the delegations of the United States of America and the United Kingdom. We regret that the occasion of a solemn commemoration was exploited by Libya to make totally unacceptable accusations. The Libyan Government must understand that, in so doing, it is in no way manifesting the spirit that the Security Council expects it to show. Libya must comply with its obligations under the United Nations Charter and under the relevant Security Council resolutions.

I take this opportunity to pay tribute to the memory of the victims of the attacks against UTA flight 772 and Pan Am flight 107.

The President (*interpretation from French*): May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 150?

It was so decided.

Agenda item 30

Zone of peace and cooperation of the South Atlantic

Report of the Secretary-General (A/49/524)

Draft resolution (A/49/L.18/Rev.1)

The President (*interpretation from French*): I call on the representative of Brazil to introduce draft resolution A/49/L.18/Rev.1.

Mr. Sardenberg (Brazil): I have the honour to introduce draft resolution A/49/L.18/Rev.1, sponsored by Angola, Argentina, Benin, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Namibia, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone, South Africa, Togo, Uruguay, Zaire and Brazil.

I wish to say a few words on the main features of the text and the ideas it contains.

The draft resolution recalls the progress achieved so far and reflects the desire of the countries of the region for concrete action with a view to further fulfilling the purposes and objectives of the zone. With this in mind, the preambular part touches upon the elements that constitute the basis for the promotion and enlargement of existing ties of cooperation between the countries of the South Atlantic region.

I wish to highlight in the operative part of the draft resolution a number of paragraphs that illustrate the commitment by the members of the zone to promoting cooperation for economic and social development in conditions of peace and freedom. In particular, operative paragraph 3 takes note of the documents adopted at the third meeting of the States members of the zone of peace and cooperation of the South Atlantic, held in Brasilia on 21 and 22 September 1994.

In order to confer renewed vitality on the zone as a relevant mechanism to foster cooperation and development, the representatives of the member States met in Brasilia to build upon what has been achieved by the countries of the region since the second meeting in Abuja. Three main areas for cooperation were identified by participants: the marine environment; denuclearization; and business cooperation.

On the marine environment, the member States adopted a declaration in which they agreed, among other issues, to protect the coastal and marine environments from destruction, degradation and other significant adverse impacts, to give effect to integrated management and sustainable development of the coastal and marine environment under their national jurisdiction, and to cooperate to acquire technological knowledge and instruments necessary for scientific research aimed at the exploration and exploitation of living and non-living resources, as well as the prevention and effective control of marine pollution.

Mr. Seniloli (Fiji), Vice-President, took the Chair.

On denuclearization, the participants adopted a Declaration with the ultimate aim of turning the South Atlantic region into a nuclear-weapon-free zone. In fact, the recent progress towards the full entry into force of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean — the Treaty of Tlatelolco — for all States in Latin America and the Caribbean, and efforts towards the implementation of the Declaration on the Denuclearization of Africa, provide the necessary framework for the goal of eliminating once and for all from the South Atlantic region the risk and threat of nuclear weapons. As the Minister of External Relations of Brazil, Ambassador Celso Amorim, stated during the general debate at the present session of the General Assembly,

> "The zone of peace and cooperation of the South Atlantic will transform this area into a zone free of nuclear weapons, constituting an example of solidarity and brotherhood between two continents." *(Official Records of the General Assembly, Forty-ninth Session, Plenary Meetings, 4th meeting, p. 6)*

The representatives of the States of the zone also adopted a Declaration on business cooperation in the South Atlantic. In recognition of the desire to foster and intensify economic and commercial exchange through cooperation between businessmen of the South Atlantic region, the member States decided to establish a Permanent Committee to examine ways and means to achieve the objectives of strengthening commercial cooperation between the States of the zone and with a view to encouraging exchange of information regarding trade in relevant sectors within it.

The signing of the Final Declaration of the meeting, in which the participants reaffirmed the importance of the zone as a relevant instrument for cooperation between South Atlantic countries, as well as its capacity to contribute to international peace and security, is also worth mentioning. They also agreed on the need to increase efforts to reinforce the role of the zone as a regional instrument for cooperation. An intersessional follow-up mechanism was established with a view to presenting specific proposals, receiving suggestions and guaranteeing a follow-up for issues dealt with among the South Atlantic countries.

Operative paragraph 10 expresses appreciation for the efforts of the international community to achieve a lasting solution to the crisis in two of the member States of the zone of peace and cooperation of the South Atlantic: Angola and Liberia. The conflicts in both countries have imposed a heavy toll on the civilian population and have brought about a humanitarian crisis of huge proportions. It is vital that the international community provide adequate humanitarian support to Angola and Liberia and back their efforts towards the achievement of a lasting peace.

The presence among us of South Africa and the offers made by its Government, along with Argentina and Benin, to host the subsequent meetings of the zone of peace and cooperation of the South Atlantic bear testimony to the new momentum created and display a commitment to sustain and further advance the support which the zone requires in order to fulfil its obligations in the pursuit of our collective aspirations.

The establishment of the zone of peace and cooperation gave renewed impetus to the promotion and enlargement of the ties of cooperation and understanding between West African and South American countries. The potentialities of the zone are enormous; so are its challenges. For the fulfilment of the goals of the declaration of 1986, the member States of the zone count on the support of the international community as a whole.

It is our sincere hope that the General Assembly, as it has done in previous years with similar draft

resolutions, will adopt this draft resolution, which seeks to support the legitimate aspirations to peace and prosperity of the peoples of the South Atlantic region.

Mr. Ayewah (Nigeria): Eight years ago, in a solemn declaration, the General Assembly established the "Zone of peace and cooperation of the South Atlantic" as a subregional area straddling the continents of Africa and the Americas but separated by the Atlantic Ocean. Since then, States member of the zone have sought to give content and orientation to the goals and objectives which informed the establishment of the zone in the first instance.

As a vibrant but continuously evolving instrument in multilateral cooperation, States of the zone have endeavoured to realign themselves on the basis of their shared experiences in development and against the backdrop of the changed configuration in the international situation. Above all, they have sought to provide a basic pattern in the quest for international peace and security from a sub-regional perspective by agreeing to avail themselves of the structures and competencies existing in Member States in the political, economic, social, humanitarian, environmental and, indeed, developmental fields.

At a time when there is an obvious lessening of multilateralism in favour of bilateral cooperation among States, when the North-South divide is becoming more real, when protectionist trade practices of the advantaged countries of the North virtually exclude the developing economies of the South from their markets, States members of the zone are convinced that no State, however richly endowed and however stable in political and economic terms, can go it alone in providing the people with much-needed development in a mutual and self-sustaining partnership, without having recourse to other countries. In other words, we all live in an interdependent world.

The concept of development is multifaceted and ramifies into other considerations which touch on social engineering, basic freedoms and welfare. As we see it, development must be people-oriented and people-centred. It must derive its form and essence from a cumulative perception that all efforts designed to achieve it carry with them incremental steps of self-sacrifice, motive force and purpose.

On the political front, the zone has tried to give prominence to efforts towards democratization, the adoption of political pluralism and participation in governance. Within this ambit we were happy to welcome into membership of the zone the Republic of South Africa, after its recent political transformation. We wish South Africa well as it pursues its national development and contributes to international efforts to secure peace, security and development.

The adoption of Agenda 21 in Rio de Janeiro in 1992 has brought into focus the relationship between environment and sustainable development. The Rio Declaration has sought to give expression to the preservation, management and rational exploitation of the environment and the ecosystem as a common heritage.

As littoral States, members of the zone place a high premium on the management of living marine resources in the Atlantic Ocean. For this reason, they have continued to show a great interest in the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, which was concluded recently.

A basic prescription in an Agenda for Peace has been preventive diplomacy, the purpose of which is to deal with a crisis before it erupts into violence. In recognition of the value of this approach, member States of the zone have continued to encourage peaceful resolution of disputes rather than recourse to war. In this regard, the continuing saga of instability in Liberia remains a source of concern while the recently concluded Peace Accords in Angola offer a welcome respite from the long drawn out civil strife in that country. It is the hope of States members of the zone that a negotiated peaceful settlement will soon be found for the Liberian crisis and that the current peaceful situation in Angola will endure in the higher interest of national reconciliation, peace and security.

Recognizing that they are developing countries, States members of the zone have agreed that a denuclearized zone of the South Atlantic offers the greatest prospect for their national and regional development. They therefore took a significant step in this direction at the third ministerial meeting of the States members of the zone, held in Brasilia in September 1994.

Thus, with the entry into force of the Treaty of Tlatelolco and the near-conclusion of a treaty on a nuclear-weapon-free zone in Africa, the commitment of States members of the zone to a denuclearized region is becoming a reality. With such an achievement, the scarce resources available to States members of the zone will be ploughed into socio-economic development for the benefit of their respective populations.

In sum, the cooperation envisaged in the political, economic, social, cultural, commercial, technical, scientific and environmental fields among member States will make the zone not only viable but also a useful multilateral instrument for the promotion of peace, security and development.

In view of the foregoing, Nigeria is delighted to support draft resolution A/49/L.18/Rev.1.

Mr. Mongbe (Benin) *(interpretation from French)*: As we are reminded in substance by draft resolution A/49/L.18/Rev.1 — submitted under agenda item 30 by the representative of Brazil — the zone of the South Atlantic, situated between Africa and South America, is of strategic and economic importance in the world.

Indeed, this region is not only an international passage where for centuries navigators of historic renown, such as Magellan, Vasco da Gama, Diego Suárez Barthélémy Díaz and many more sailed, but it is also vital for the coastal States because of its valuable marine resources.

Therefore it has been and continues to be a zone afflicted by all types of rivalry, which pose a threat to international peace and security.

Proof of this is to be seen in the zealousness of the colonial Powers, which, since the fifteenth and sixteenth centuries, have vied with each other to create spheres of influence on the two coasts of the ocean through skilful exploitation of the "three Ms" system: threefold action — mercantile, missionary and military. Further proof is to be seen in the grievous use made of this maritime route for the transportation of black slaves from the African coast to the American coast. More proof is the deployment of bases in that zone by modern military and maritime Powers, and still more is the constant presence in the South Atlantic of fishing vessels of all sizes, types and nationalities.

It was to remove the risks or the causes of tension that in October 1986 the United Nations General Assembly, in a responsible manner, declared the South Atlantic as a zone of peace and cooperation. Since that time the coastal States have endeavoured to promote confidence amongst themselves through the creation of the conditions for peaceful exchanges on the basis of ties of blood and ancestral affinities between Africa and South America. It is in this context that, daily, we see more and more the strengthening of bilateral relations between the countries situated on the two sides of the ocean.

It was also within the framework of these efforts — a shining example of South-South cooperation — that the third ministerial meeting of the States of the zone of peace and cooperation of the South Atlantic was held in Brazilia last September. The Government of Benin would like once again to express its gratitude to the Government of Brazil for organizing that meeting, whose deliberations led to the adoption of important measures aimed at giving further impetus to activities in the zone.

These measures concern in particular: cooperation in the area of the marine environment; the intensification of economic, commercial and tourist exchanges through cooperation between enterprises of the zone and the development of air and maritime links, as well as direct communications between the countries of the zone; the denuclearization of the South Atlantic, in which respect the States of the zone have made it their common objective to have the South Atlantic turned into a nuclear-weapon-free zone; the establishment of a follow-up mechanism based at United Nations Headquarters in New York, with the task of facilitating the implementation of decisions taken at various levels of the zone.

Those participating in the Brazilia meeting recognized the need for States of the zone to cooperate towards securing democracy and political pluralism, as well as promoting human rights and fundamental freedoms.

If the zone of peace and cooperation of the South Atlantic is to be instrumental in the laying of solid foundations for cooperation between the countries of the region, it is crucial that members meet regularly. This is why the Ministers of Foreign Affairs of the zone have already decided to meet in South Africa, Argentina and Benin in 1995, 1996 and 1997 respectively.

Other recent regional or global initiatives that have helped to strengthen security in the South Atlantic deserve mention. First, there are the prospects for the effective denuclearization of Africa following adherence to the Treaty on the Non-Proliferation of Nuclear Weapons by South Africa, which has also subscribed to the safeguard agreements of the International Atomic Energy Agency (IAEA). Then there is the imminent entry into force of the Treaty of Tlatelolco, which bans nuclear weapons in Latin America and the Caribbean, following the signing by Argentina and Brazil — two States of the zone — of an agreement on the peaceful use of nuclear energy and their decision to adhere to the safeguard clauses by placing their nuclear installations under the

control of the IAEA. Thirdly, there is the conclusion of an international convention on the elimination of chemical weapons, which will pave the way for the elimination, in the region, of weapons of mass destruction and for the promotion of international cooperation in the field of scientific and technological development for peaceful purposes.

In spite of these welcome initiatives, which my delegation duly appreciates, the security of the zone remains fragile. Indeed, while the development of the political situation in South Africa has been positive and has led to the establishment of a unified, democratic and non-racial society — a condition favourable to lasting peace — there is still a climate of tension in other coastal countries of the Atlantic.

The civil and fratricidal war for political power that has been raging in Liberia since December 1989 threatens to engulf the West African subregion and might even spread further, while peace has barely been restored in Angola, where the legacy of the 33-year armed struggle will be difficult to eradicate. The delegation of Benin would like to pay tribute to the United Nations and countries friendly to Angola for their praiseworthy actions to restore in that country the conditions for normal life and for the building of a state of law.

It is also fitting that the United Nations be encouraged to continue to provide resolute support for the efforts to establish peace that the Heads of State or Government of the Economic Community of West African States, supported by the Organization of African Unity, have been making in Liberia for more than four years.

All these activities will help to reinforce the policy that the South Atlantic be made a zone of peace and cooperation.

The conflict situations of the zone are compounded by the over-exploitation of the biological resources of the high seas and the dumping of dangerous wastes, which pollute the environment and threaten human health. Indeed, does not the report of the Secretary-General state that in 1992 there were already 20,000 to 60,000 tonnes of such wastes in Africa?

As security, development and democracy are indissolubly linked, it is easy to understand the anxiety of the States of the zone of peace and cooperation in the South Atlantic that there should be a favourable outcome to the problems to which I have just referred. Thus these States welcome the conclusions of the Rio de Janeiro Conference on Environment and Development aimed at combating pollution in the seas and oceans. Agenda 21, the Framework Convention on Climate Change and the Convention on Biological Diversity provide opportunities to strengthen international cooperation by protecting the environment, including that of the South Atlantic.

The General Assembly's debates on the item entitled "Zone of peace and cooperation of the South Atlantic" have become a ritual and run the risk of becoming wearisome if States in the zone do not seize this opportunity to take stock of what has been done to implement resolutions adopted with a view to achieving the objectives that they set for themselves and to indicate action in the medium term.

Draft resolution A/49/L.18/Rev.1 was drawn up with this in view. It has no purpose other than to be a link in the long chain of efforts to strengthen international peace and security, as is required by the United Nations Charter.

The sponsors of the draft have done some violence to themselves by agreeing to most of the amendments proposed by various delegations for the purpose of taking into account all the interests at stake. As may have been indicated already, they venture to hope that the draft resolution can be adopted without a vote.

Mrs. Flores (Uruguay) (*interpretation from Spanish*): Uruguay takes a keen interest that Uruguay is participating in the debate on the zone of peace and cooperation of the South Atlantic. We believe the adoption of draft resolution A/49/L.18/Rev.1, so well introduced by Brazil, will contribute to strengthening the common commitment to establish new instruments for the improvement of intraregional ties and understanding between the African and South American countries of the area.

The objectives that eight years ago inspired the creation of the zone of peace and cooperation of the South Atlantic — peace, cooperation, development, promotion of human rights and fundamental freedoms and protection of the environment — not only remain valid, but, in view of recent international developments, are taking on greater timeliness and vigour.

The region's dedication to peace led to its support for the measures intended to achieve lasting peace in Angola and Liberia. We especially welcome the signing

of the Lusaka Protocol by the Government of Angola and the National Union for the Total Independence of Angola (UNITA).

In this regard, the countries members of the zone are making specific contributions by cooperating actively with the United Nations and in regional bodies for the settlement of conflicts, through their participation in peace-keeping operations and in political processes aimed at peaceful settlements of existing disputes.

The desire to establish a nuclear-weapon-free zone embracing the two continents of the zone of peace, has been made manifest by efforts resulting in the full entry into force of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the signing of the Mendoza Declaration and the process aimed at implementing the Declaration on the Denuclearization of Africa in order to give form to an agreement that establishes a nuclear-weapon-free zone in Africa.

The zone of peace and cooperation of the South Atlantic was conceived as a suitable forum for achieving integrated cooperation between the countries of the zone, with a view to establishing a solid foundation for stepping up joint action in many areas, including the economic, technological, environmental and cultural.

Cooperation between developing countries is without a doubt an effective way to contribute to the establishment of a fairer and more equitable world order. Believing that the coordination of efforts in different spheres will contribute to the achievement of the objectives of the zone, the countries of the zone have, at the threshold of the twenty-first century, reaffirmed the growing importance of stepping up cooperation in economic and financial affairs.

The Final Declaration adopted at the third meeting of the States members of the zone, which was held in Brazil last September, reaffirmed the role of regional and subregional integration in improving the international competitiveness of the national economies and the contribution of such integration to the development process.

The efforts of a group of Latin American States resulted in the signing of the Treaty of Asunción, under which the Southern Cone Common Market was created, and that Treaty's forthcoming entry into force will no doubt have a positive impact on the zone.

The promotion of democracy and political pluralism and the eradication of apartheid are tangible achievements of countries of the zone.

Uruguay considers that protection of the environment and the promotion of sustainable development, which must be objectives of the whole international community, are of special importance for the countries of the South Atlantic. Since the United Nations Conference on Environment and Development, held in Rio de Janeiro in June of 1992, where the Rio Declaration, Agenda 21, the Framework Convention on Climate Change and the Convention on Biological Diversity were adopted, it has become imperative to protect ecological balance and living marine resources. To this should be added the entry into force of the United Nations Convention on the Law of the Sea and the elaboration of the Conventions of Basel and Bamako, intended to regulate the transport and elimination of toxic wastes and other contaminants, Convention to which States of the zone are parties.

The recent Declaration on the Marine Environment, adopted at the third meeting of the States members of the zone, which was held in Brasilia should be highlighted. That Declaration urges the exchange of information and mutual assistance in order to implement the Convention on the Law of the Sea, in particular with regard to the development of abilities and capacities in the marine sector and the protection and preservation of the marine environment. It also encourages, among other things, the adoption of all necessary measures to prevent, reduce and control degradation of the marine environment; cooperation to prevent the entry of wastes into the zone; and efforts to achieve the full exercise of rights in the various exclusive economic zones and on the continental shelf in order to benefit socially and economically from their exploitation.

The Declaration refers to the broad application of the "precautionary principle" in fisheries management, through the adoption of measures to lessen the risk of impacts on living marine resources and the environment. It also promotes cooperation to achieve measures for the conservation and management of straddling and highly migratory fish stocks on the high seas, consistent with the measures established by coastal States for those stocks.

As some representatives of the countries members of the zone of peace and cooperation of the South Atlantic have said, the international community showed its political will to strengthen even further cooperation in

conserving and managing living marine resources during the meetings of the United Nations intergovernmental Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. The States of the South Atlantic intend to contribute to achieving that objective reachable, which is why they have supported the negotiation of a proper instrument for marine protection that ensures long-term conservation and sustainable use of the stocks I have mentioned.

The need to ensure continuity of dialogue between the countries of the zone and the follow-up to the matters dealt with by the States members led to the establishment of the Permanent Committee of the zone of peace and Cooperation of the South Atlantic.

What has stirred my country's interest in the establishment of regional organizations made up of coastal States, or States with interests in the exploitation of the natural resources of the region, is the potential of regional initiatives to accelerate development of national capacities, the rational, integrated regulation of the oceans and the maximum utilization of opportunities to participate in the exploitation of resources.

Tangible proof of the interest the countries of the South Atlantic take in the zone is their offers to act as hosts to ministerial meetings in coming years. Several countries have extended such offers, which demonstrate that they are a relevant tool of horizontal cooperation and the promotion of regional peace and security. We believe that those goals are shared by all the States of the Organization. Therefore, as a co-sponsor, we urge that draft resolution A/49/L.18/Rev.1 be adopted without a vote.

Mr. Van Dunem "Mbinda" (Angola): Allow me first of all to congratulate the Nigerian Government on the work it performed in exercise of its mandate as Coordinator of the zone of peace and cooperation of the South Atlantic.

The preservation of the South Atlantic as a zone of peace and cooperation is a relevant and viable means of ensuring multilateral cooperation among its members. In this connection, States members of the zone welcomed with satisfaction the holding of the first democratic elections in South Africa and the installation of the new South African Government.

The member States also welcome the signing of the Lusaka Accord, an event that will create favourable conditions for the reconstruction and economic and social development of Angola and for the consolidation of peace in the zone. Indeed, fulfilling the conditions laid down in the Lusaka Protocol, initialled on 20 November 1994, the Angolan Parliament recently met and adopted an amnesty law applicable to all Angolans covering the period October 1992 to 1994; the Lusaka Protocol has been officially approved, promulgated and ratified by the President and Head of State, His Excellency Mr. Jose Eduardo Dos Santos; the President of the Republic officially signed the authorization empowering the Minister of Foreign Affairs to sign the Lusaka Protocol on his behalf; and the National Assembly authorized the President to make peace, since that prerogative belongs solely to the National Assembly.

As is clear to all, the Government of Angola has, in both word and deed, recognized the full importance of the Lusaka Protocol and proceeded to its immediate implementation. As a result, I am delighted to announce here that the cease-fire is holding, and I very much hope that the military delegation of UNITA can arrive in Luanda very soon so that the work of the agreed Joint Commission can begin as scheduled.

I should like to take this opportunity to commend all the participants, under the guidance of the Secretary-General's Special Representative, Mr. Alioune Blondin Beye, for the important victory of the Angolan people. Since then Angola has been moving towards lasting peace and national reconciliation.

Angolans have been witnessing with a sense of apprehension the developments unfolding in Liberia, and we urge the warring parties to continue their dialogue with a view to achieving a just and lasting peace.

The Final Declaration and its attachments adopted by the foreign ministers of the member States of the zone have my delegation's full support, and we pledge to contribute to the success of their implementation.

As regards the demilitarization of the zone, one of the main concerns of member States, my Government believes that the goals set forth in the 1964 Declaration of the Organization of African Unity, along with the Treaty of Tlatelolco, which bans the use and possession of all nuclear armaments in Latin America, are of great importance, and it welcomes the progress that is being made to conclude an appropriate instrument — an event that is imminent.

Considering the importance for the countries of the zone of the outcome of the United Nations Conference on Environment and Development that met at Rio de Janeiro from 3 to 14 June 1992, my delegation supports the efforts to deal with climatic change and biodiversity. We also support the Convention to combat desertification. We are convinced that its implementation will constitute an important landmark in the history of mankind.

In conclusion, I should like to express the concern my delegation feels with regard to the protection of the marine environment, particularly with respect to transportation and disposal of toxic wastes. In this connection we would stress the importance of the Basel and Bamako Conventions and commit ourselves to taking appropriate measures and cooperating with the member countries of the zone in preserving the marine environment.

For all those reasons, my delegation will vote in favour of draft resolution A/49/L.18/Rev.1.

Mr. Huaraka (Namibia): The Namibian delegation is pleased to be able to participate in the discussion of this item on the zone of peace and cooperation of the South Atlantic. The vast expanse of the waters of the South Atlantic geographically separate the countries of the region, but its protection and utilization as a resource bring the countries of the South Atlantic together. The countries of the region are united in the protection of the marine resources and environment of the South Atlantic.

At the outset, I should like to express my delegation's appreciation to the Secretary-General for his report on the zone of peace and cooperation of the South Atlantic (A/49/524). We also wish to commend the Governments of Argentina, Brazil, Nigeria and the United Kingdom for their replies to the Secretary-General's note of 22 March 1994, in which they conveyed their views on the implementation of the Declaration on the Zone of Peace and Cooperation of the South Atlantic.

As a country within the zone of peace and cooperation of the South Atlantic, Namibia fully subscribes to the conclusions contained in the documents adopted by the third meeting of the States members of the zone of peace and cooperation of the South Atlantic, held at Brasilia on 21 and 22 September 1994. It wishes to emphasize that the countries of the zone decided to take all the steps necessary to prevent, reduce and control the degradation of the marine environment resulting from the adverse effects of human activities.

The Government of the Republic of Namibia considers that with the end of ideological rivalries, the zone represents a dynamic instrument of cooperation between the two sides of the Atlantic in the areas of economic, environmental, scientific, cultural and marine resource management and protection. It is a framework for the promotion of peace and security and trade, including the development of fisheries and marine resources in the region. As an active member of the zone of peace and cooperation of the South Atlantic, Namibia is committed not only to promoting trade and economic development and protecting the fisheries, marine resources and environment in the zone but also to keeping it nuclear-free and free of hazardous and toxic wastes. Namibia notes with satisfaction, in this respect, the progress made in drafting a treaty on the establishment of a nuclear-weapon-free zone in Africa, and the progress towards the early entry into force of the Treaty of Tlatelolco for all States in Latin America and the Caribbean.

We note with satisfaction the recent developments in the community of South Atlantic States: the holding of the first democratic elections and the establishment of a democratic government of national unity in the Republic of South Africa. These events create favourable conditions for peace, stability and economic cooperation in the South Atlantic region and are important for the consolidation of the zone of peace and cooperation of the South Atlantic. Thus Namibia enthusiastically welcomes the Government of South Africa as a member of the zone. The zone as a regional grouping is now complete.

The zone is a suitable forum for promoting cooperation in all aspects of development, on the basis of respect for the sovereignty and territorial integrity of States and other relevant principles of international law.

In this regard, we call upon the entire international community to keep the zone of peace and cooperation of the South Atlantic nuclear-weapon free.

Namibia wishes to confirm its support for the efforts of the Angolan people to attain peace. It is our firm expectation that the cease-fire signed recently in Lusaka will hold, and will ensure the consolidation of peace and democracy, and the reconstruction of that sisterly country.

My delegation congratulates the Government of Nigeria for its valuable contribution as coordinator of the zone since the Abuja meeting in 1990. The same words

of congratulation go to the Government of Brazil, the current coordinator of the zone. We wish to welcome the offers made by the Governments of South Africa, Argentina and Benin to host the fourth, fifth and sixth ministerial meetings of the zone of peace and cooperation of the South Atlantic in 1995, 1996 and 1997 respectively.

As a contribution to the work of the zone, the Government of Namibia has offered to host a meeting of ministers of trade and industry of the zone in Namibia in early 1995.

For all these reasons my delegation commends draft resolution A/49/L.18/Rev.1 to this august Assembly.

Mr. Illueca (Panama) (*interpretation from Spanish*): Panama, as a maritime country with an inter-ocean canal that is vital for world navigation, would like to join in the General Assembly's deliberations in order to give its firm support to draft resolution A/49/L.18/Rev.1 which is designed to reaffirm the aims and strengthen the purposes of the zone of peace and cooperation of the South Atlantic.

When, on the initiative of a Latin American country, Brazil, the General Assembly in 1986 solemnly declared the Atlantic Ocean, in the region situated between Africa and South America, a zone of peace and cooperation, its motivation was to ensure that that part of the region would remain free from the tensions caused by interests contrary to those of the developing countries located on the African and Latin American coasts.

The Assembly overwhelmingly opted to urge all States of the region, and of all other regions, to cooperate to eliminate any source of tension in the zone; to respect the national unity, sovereignty, political independence and territorial integrity of all States of the region; to refrain from the threat or the use of force; strictly to observe and respect the principle that the territory of a State should not be subjected to military occupation resulting from the use of force in violation of the Charter of the United Nations; and to respect the principle of the inadmissability of the acquisition of territories by force.

We note with satisfaction that, from the very outset, States in the South Atlantic were inspired to seek greater regional cooperation *inter alia* in the interests of economic and social development, respect for human rights, the protection of the environment, the preservation of living resources, and international peace and security.

We are pleased that a united, democratic South Africa, free from racial restrictions, is now playing a major role in the community of nations of the South Atlantic and in the international community, which made a substantial contribution towards validating Namibia's claim over Walvis Bay and the adjacent islands.

We also find very positive the efforts of the States of the zone to improve and increase economic, scientific, technical, cultural and other forms of cooperation, thus promoting South-South coordination in the search for a pre-eminent position in the globalization process of the world economy.

In this connection, we would like to acknowledge the Government of Nigeria for its work as coordinator of the zone. We would also like to express our well-founded conviction that Brazil, in assuming the functions of coordinator, will expand the objectives and that we will come even closer to the goals that we all seek.

At the same time, we would like to emphasize the relevance to promoting the objectives and principles of the zone of peace and cooperation in the South Atlantic of the progress made so far towards ensuring the full entry into force of the Treaty of Tlatelolco on the prohibition of nuclear weapons in Latin America and the Caribbean, as well as the timely efforts carried out by the Organization of African Unity to prepare a treaty on a nuclear-weapon-free zone in Africa.

On the coasts of the South Atlantic, chapters both sweet and bitter have been written in the course of history by discoverers, conquerors, despoilers and freedom fighters — by liberators who, once on land, sowed the seeds of dignity, decency, progress and peace.

The past, darkened by suffering, executions, colonialism, slavery, apartheid, oppression and despotism, is now nothing other than a painful lesson for the African and Latin American democracies to become more worthy, more vigorous and more powerful.

Mr. Bergh (South Africa): My delegation is happy to confirm its co-sponsorship of draft resolution A/49/L.18/Rev.1, entitled "Zone of peace and cooperation of the South Atlantic", and we would like to place on record our appreciation to those representatives who welcomed us as a new member of the zone.

South Africa endorses the draft resolution's call upon all Member States to cooperate in the promotion of

the objectives established in the declaration of the zone of peace and cooperation of the South Atlantic and to refrain from any action inconsistent with those objectives and with the Charter of the United Nations and relevant resolutions of the Organization, particularly action which may create or aggravate situations of tension and potential conflict in the region.

The South African Government supports the main objectives of the zone of peace and cooperation of the South Atlantic: the enhancement of peace and security; the promotion of regional cooperation for social and economic development; the protection of the environment and the conservation of resources.

My Government is fully committed to the peaceful settlement of disputes. For instance, the peaceful manner in which the Walvis Bay and offshore islands issue was resolved attests to this fact.

South Africa is committed to a policy of non-proliferation and arms control that covers all weapons of mass destruction and extends to our concerns about the proliferation of conventional weapons. To this end, South Africa is a supporter of the establishment of zones of peace as well as of nuclear-weapon-free zones. We have accordingly been co-sponsors of the draft resolutions for the establishment of nuclear-weapon-free zones in Africa and the South Atlantic. We have also co-sponsored the draft resolution on the zone of peace in the Indian Ocean. In this spirit, South Africa welcomes the full accession of Argentina, Chile and Brazil to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean — the Treaty of Tlatelolco.

The zone of peace and cooperation of the South Atlantic originated at the time of the cold war and of conflict in southern Africa. The new South Africa can fully identify itself with the two basic aims of peace and development of the zone, and at this time in history, with the positive turn of events in Angola and Mozambique, my Government is certain that the challenges of the zone can be faced with much optimism.

Regarding development, South Africa is convinced that the zone provides a very important mechanism and framework to promote the common interests and aspirations of those African and South American States that have the South Atlantic as a shared border. The initiative could also be a very important instrument to provide impetus and substance to South-South dialogue and cooperation in general.

South Africa recognizes the intra-regional opportunities for the expansion of trade, investment, cultural, tourist, sporting and other links, and wishes to cooperate in these fields in a positive and constructive manner.

My Government welcomes the Declaration on Business Cooperation in the South Atlantic. In a world where the formation of regional economic blocs is increasingly prevalent, all the States members of the zone can only benefit from closer cooperation in an area vital for the economic well-being of our peoples.

Creating an enabling environment in which economic activity can flourish to the advantage of all citizens is a top priority for the Government of President Mandela. The South African monetary authorities are, for example, continually looking at the question of exchange control, the lowering of import duties in terms of our General Agreement on Tariffs and Trade commitments, and the drawing up of a code of conduct to attract foreign investment. The economic potential locked up in regional trade, investment and economic harmonization holds much more promise for us.

South Africa is willing to play a positive and constructive role in terms of the sharing of scientific and technological expertise in protecting marine resources and in the prevention of dumping of toxic waste in the region, including cooperation and the exchange of information on a technical and scientific level to prevent damage to the South Atlantic, especially by extra-zonal States, thus adhering to the Bamako and Basel conventions.

We strongly support the guidelines contained in the zone's Declaration on the Marine Environment. Adherence to this Declaration will enhance efforts towards the conservation of the marine ecosystem of the vast South Atlantic Ocean.

My Government is committed to the guiding principles contained in the United Nations Convention on the Law of the Sea and in the Oceans chapter of Agenda 21, and welcomes the acknowledgement of these principles in the zone of peace and cooperation of the South Atlantic Declaration on the Marine Environment.

South Africa expresses its concern over the continued spread of the traffic in narcotic and psychotropic substances in the South Atlantic region and the enormous danger it poses to society, and agrees that joint action is needed to address the problem. Therefore,

South Africa has expressed its willingness to host in 1995 a meeting of senior officials on the question of trafficking in narcotic and psychotropic substances.

In conclusion, my delegation would like to stress that without human-rights-based democracies as well as economic reconstruction and development programmes, the zone of peace and cooperation in the South Atlantic will not be in a position to improve the lot of its peoples. A prosperous South Atlantic zone is within reach of its member States, with the potential of competing with the rest of the world. South Africa believes that multilateral cooperation should be encouraged within the zone and that an exchange of views on human rights and fundamental freedoms at regular meetings of the States members of the Zone would serve to sensitize and raise the awareness level on the important subject of consolidating democracy. South Africa believes that such exchanges of views could yield practical proposals on cooperation on such issues as human rights education, electoral monitoring, conflict resolution and harmonization of human rights policy.

South Africa is pleased to be a member of the zone and undertakes to do its share in the realization of its ideals.

The President: We have heard the last speaker in the debate on this item.

The Assembly will now take a decision on draft resolution A/49/L.18/Rev.1.

We shall now begin the voting process. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Egypt, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela, Yemen, Zimbabwe

Against:

None

Abstaining:

Madagascar, United States of America

Draft resolution A/49/L.18/Rev.1 was adopted by 132 votes to none, with 2 abstentions (resolution 49/26).

The President: The delegation of the United States of America has asked to speak in explanation of vote. May I remind members that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Donlon (United States of America): The United States delegation would like to take this opportunity to explain its abstention in the voting on the draft resolution on this item.

Substantial changes have been offered in this resoiution to a provision which constituted one of our principal concerns with resolutions on this subject in previous years: that is, freedom of navigation, addressed in paragraph 8. This year's resolution affirms a determination

"to preserve the region for all activities protected by customary international law, as reflected in the

United Nations Convention on the Law of the Sea" (*A/49/L.18/Rev.1, para. 8*).

It is particularly fitting at this time that this resolution now properly acknowledges the important maritime freedoms enshrined for all nations in that Convention. The United States welcomes this affirmation in this resolution by the States of the South Atlantic of their clear recognition that peace and freedom are inexorably intertwined. The United States expresses its appreciation to the sponsors, especially the delegation of Brazil acting as Coordinator, for this affirmation and for presenting a much-improved draft which accurately reflects our existing common understandings.

It is the continuing view of my Government that the creation of an internationally recognized zone of peace can be accomplished only through multilateral negotiations among the relevant parties, and not through declarations. This is one reason that we were unable to move to an affirmative vote. In addition, while we support both the Tlatelolco Treaty nuclear-weapon-free zone and the concept of a properly constituted African nuclear-weapon-free zone, we have already made clear in the First Committee our position on the document on a nuclear-weapon-free zone emanating from the third meeting of the States members of the zone of peace and cooperation of the South Atlantic.

We welcome the cooperation of the delegation of Brazil, as Coordinator for the sponsors, in addressing the very fundamental issues of freedom of navigation, and are pleased that it was not necessary for us to vote against the draft resolution.

The President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 30?

It was so decided.

Programme of work

The President: I should like to inform delegations that the Assembly will take action on the draft resolution submitted under agenda item 14, entitled "Report of the International Atomic Energy Agency", on Wednesday, 14 December, in the morning.

The meeting rose at 1.20 p.m.

United Nations

A/49/PV.75

General Assembly

Forty-ninth Session

Official Records

75th Meeting

Monday, 5 December 1994, 10 a.m.

New York

President: Mr. Essy ..... (Côte d'Ivoire)

In the absence of the President, Mr. Abdellah (Tunisia), Vice-President, took the Chair.

The meeting was called to order at 10.20 a.m.

Agenda item 43

Restructuring and revitalization of the United Nations in the economic, social and related fields: report of the Secretary-General (A/49/558 and Add.1)

The President *(interpretation from French):* May I take it that the General Assembly takes note of the report of the Secretary-General (A/49/558 and Add.1)?

It was so decided.

The President *(interpretation from French):* I should like to propose that the list of speakers in the debate on this item be closed immediately.

It was so decided.

The President *(interpretation from French):* I call first on the representative of India, who is the Chairman of informal consultations on the funding of operational activities for development.

Mr. Sreenivasan (India): I am pleased to present an interim report on the consultations on funding of operational activities for development within the United Nations system, which was authorized by the General Assembly in its resolution 48/162 regarding the restructuring and revitalization of the United Nations in the economic, social and related fields. But first I should like to express my gratitude to the President of the General Assembly at its forty-eighth session, Ambassador Samuel Insanally, and to the Assembly's President at the current session for my appointment as the Chairman of the consultations.

Two rounds of consultations were held — in June and September 1994. The report of the Secretary-General on the funding of operational activities (A/48/940) provided a sound basis for these consultations. The Member States agreed that there was a need for a substantial increase in resources for operational activities for development on a predictable, continuous and assured basis commensurate with the increasing needs of developing countries, as stated in resolution 47/199. There was also agreement that any new funding system should include mechanisms for all participating countries to demonstrate their responsibility and commitment to the programmes and funds.

There was widely shared concern about the decline in resources for the funds and programmes of the United Nations. It was noted that official development assistance stood at less than half the target level of 0.7 per cent set by the General Assembly in 1970. Reference was made to the analysis provided in the Secretary-General's report concerning the weaknesses of the current system, including the issue of burden-sharing and vulnerability due to over-reliance on a few major donors for the bulk

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of the resources. In this context, reference was also made to the increasing support from developing countries, including support through cost-sharing.

It was also noted that the demand for support in the area of operational activities — including support from countries in transition — had increased. Moreover, peace-keeping and humanitarian assistance placed increasing demands on resources provided by Member States. This situation required a particular focus on the efficiency and effectiveness of operational activities that could also be an incentive for countries to contribute. Particular attention should be given to maximizing the use of resources for programmes and achieving optimum results at the country level.

The issue of resource levels was considered to require a wider context than was provided by resolution 48/162 if the goal of predictable and assured resources was to be achieved. This did not mean reopening issues related to governance, but would be in addition to factors relevant to a new funding mechanism, as identified in resolution 48/162, which also require consideration of a range of factors affecting levels of resources. Some views were also expressed on the need to maximize resources for programmes and to minimize administrative costs. Reference was made to the rapid increase in supplementary funding or cost-sharing.

It was acknowledged in the consultations that there was a shared interest between recipient countries and donor countries in the context of development assistance. The donor countries were not only contributing to the general prosperity of the world, but also receiving returns from development cooperation through the provision of experts and other services.

It was agreed at the first round of consultations that concrete results should be achieved by June 1995, at the latest, within the framework of the forty-ninth session of the General Assembly, in accordance with resolution 48/162.

The process should aim at the identification of a funding system and mechanisms that would generate substantial increases in resources on a predictable, continued and assured basis. The fundamental characteristic of the operational activities contained in resolutions 44/211, 47/199 and 48/162 were reaffirmed.

Following the extension of the consultation process by the General Assembly at its forty-eighth session, a second round of consultations was held in October 1994. The critical nature of these consultations was stressed by Member States. It was pointed out that the financial crisis of the United Nations was not confined to the regular programme budget and the peace-keeping budget. In fact, the shortfalls in the funding of operational activities for development was even more serious. The importance of maintaining the fundamental principles of neutrality, multilateralism and the voluntary nature of contributions for the operational activities for development within the United Nations system were reiterated. The general view was that the funding of the operational activities had to be placed on a secure and predictable basis, and that this was an urgent question.

It was agreed that the Secretary-General should be requested to provide a supplementary report on resource targets for operational activities for the next three years, taking into account the needs of the developing countries; the advantages of multilateralism; the orientation, focus and specific priorities of the operational activities for development; the level of financing of programmes and funds over past years; the decisions made by the Executive Boards of the funds and programmes; the mandates from conferences and summits; and the projection of available funding and its implications for the United Nations system's capacity for implementing programmes. The Secretary-General would be requested to indicate the resources to be earmarked for administrative costs and programmes separately. The focus should be on core resources, but availability of non-core resources should also be taken into account.

There was broad interest in the recommendations contained in the Secretary-General's report concerning exchange-rate fluctuations and a system of three-year resource targets. But it was felt that the Secretary-General should be requested to include in his supplementary report a number of funding options for a changed and improved funding system that would generate a substantial increase in resources on a predictable, continued and assured basis. These options should take into account previous experience in the funding of United Nations activities linked to resource targets and the need for all participating countries to demonstrate their political will, responsibility and real commitment to the programmes and funds.

The consultations will resume as soon as we receive the supplementary report of the Secretary-General, which we hope will be available this month. In the meantime, I would like to thank the participants in the consultations,

developed and developing countries alike, the Department for Policy Coordination and Sustainable Development and the funds and programmes. We shall work together again to fulfil the mandate entrusted to us by the General Assembly.

Mr. Henze (Germany): I have the honour to speak on behalf of the European Union.

Let me start by reaffirming that the European Union considers the restructuring and revitalization of the United Nations in the economic, social and related fields to be an important and ongoing process. Significant progress has been made, and the resolutions of the General Assembly addressing this question, in particular resolution A/48/162, have led to encouraging results. Deliberations have become livelier and more focused in many forums. The European Union will firmly support efforts which take us further in this direction and structure our work more effectively.

The revitalization of the United Nations in the economic and social fields must also be pursued with regard to its integration role. A number of conferences dealing with development-related problems have taken place recently or will take place in the next year. As examples, I cite the small islands Conference, the International Conference on Population and Development, the social Summit in Copenhagen and the Fourth World Conference on Women, to be held in Beijing. We believe that the United Nations is the only forum where we can integrate the results of these conferences into a comprehensive concept of sustainable development. In order to do so, the role of the United Nations in this field must be further enhanced. Further reforms to increase its relevance are needed. The discussions on the Agenda for Development provide an excellent opportunity for addressing the various aspects of this common endeavour.

In this context, we note a number of proposals for further summits and ministerial conferences. We would like to caution that such conferences should not proliferate and should not replace discussions in the General Assembly.

In particular, we will pursue our efforts to turn the Economic and Social Council again into a forum in which global and central issues of the world economy and of social questions are addressed in a focused and integrated manner. The high-level segment of the Council should be used, in our view, as an opportunity to address topical issues and important developments in the world economy and international economic cooperation, and to engage in an active dialogue with the heads of multilateral financial and trade institutions about the major themes of current interest in this area. A well prepared and focused agenda, submitted in timely fashion, as well as documentation which clearly indicates the issues for discussion, would stimulate more widespread ministerial participation. There is also considerable room for improvement as regards the cooperation and flow of information between the United Nations and the Bretton Woods institutions and their respective counterparts in national Administrations, taking into account the comparative advantages of each institution. We should use the momentum gained in the interest of a better functioning of the system of international cooperation as a whole and of the consensus-building role of the United Nations.

We also note progress in the coordination segment of the Economic and Social Council, which deals with the coordination of policies and activities of the specialized agencies and other bodies of the United Nations system. The procedures adopted helped to streamline work. The agreed conclusions, which represent a new form of decisions taken by the Council, should be fully implemented and focused on the coordination aspect within the United Nations system.

We share the concern expressed in the report of the Secretary-General about the risk of perpetuating the consideration of issues taken up in this segment, but at the same time we would like to stress the importance of a follow-up discussion at the subsequent session of the Economic and Social Council on the implementation of the agreed conclusions so as to provide further guidance, if necessary.

Humanitarian activities were a major thrust of this year's Economic and Social Council work. We fully support the integrated approach taken by the United Nations system aiming at immediate relief measures and an effective continuum from humanitarian aid to rehabilitation and long-term development. Our main concern in this regard is, as has been said before, the effectiveness of coordination and delivery of assistance. We therefore encourage the Department of Humanitarian Affairs in its efforts to streamline existing mechanisms and improve vertical and horizontal coordination.

With regard to the debate in the General Assembly on humanitarian assistance issues, it is our hope that procedures may be further streamlined. We regret that the principle of clustering under agenda item 37 was not fully complied with and would like to see this amended in the future. Furthermore, consideration should be given

to taking up all draft resolutions addressing individual country situations in one omnibus text. The possibility of taking action on that text in the Second Committee should be explored.

We are encouraged by the results of the operational activities segment of the Economic and Social Council. The implementation of the basic and important resolution 47/199, which was the result of the 1992 triennial policy review, needs to be further strengthened, and the Council has a crucial role in ensuring that policies formulated by the Assembly, particularly during the triennial policy review of operational activities, are appropriately implemented. We look forward to pursuing these issues in more depth during next year's triennial policy review. With this year's decision the Economic and Social Council has provided clear guidance to facilitate this task as best as possible.

The measures taken under resolution 48/162 with regard to the governing bodies of the United Nations development funds and programmes have resulted in a major improvement in the work of those bodies. We greatly welcome the streamlining of procedures, the businesslike manner in which decisions are reached and the increased dialogue between delegations.

The question of documentation for the Economic and Social Council and the work of the General Assembly in the economic and social fields has, unfortunately, still not been satisfactorily resolved. A draft resolution on this question has now been submitted by the United States. The European Union supports the concept embodied in that draft resolution, and we believe that a frank, businesslike discussion of these ideas could lead to important results for the effectiveness of our work. For instance, we should look further into streamlining the work of the Second Committee by reducing the number and length of draft resolutions and by reviewing its agenda and working methods.

Our first experience with the restructuring and revitalization of the activities of the United Nations in the economic and social fields can guide us towards further progress. The credibility of this institution and the support given it depend on its improved performance, increased transparency and efficiency and better system-wide coordination. The European Union remains committed to contributing to all efforts to this end and looks forward to a constructive dialogue on these issues within the Agenda for Development and other relevant working groups.

Mr. Kudryavtsev (Russian Federation) (*interpretation from Russian*): The Russian delegation made its basic assessment of the reform process initiated by General Assembly resolution 48/162 during the discussion of the report of the Economic and Social Council and the question of operational activities in the Second Committee. Without repeating those views, we should like to focus on what we consider to be the most important aspects of the post-restructuring work of the Economic and Social Council and the leading operational funds and programmes and the remaining unresolved problems involved in further reform.

Our delegation is satisfied, on the whole, with the early results of the Council's work at its first regular session under the new regime. The important results of the high-level segment, and of the coordination and operational segments, reaffirm the fact that those are the very segments that accomplish the major part of the Council's work. It is within the context of those segments — high-level, coordination and operational — that, to a significant degree, the mandate of the Economic and Social Council is implemented in the areas of political leadership and of coordination and control over the activities of the social and economic sectors.

The importance of the proceedings of this year's session of the Economic and Social Council is evident, both at the high-level meetings and in the discussions held with the participation of a wide range of international organizations, including the specialized agencies and, above all, the Bretton Woods Institutions, on key issues of their interaction in meeting world social and economic problems. We believe that that procedure will require further development and improvement, principally through the establishment of a direct and active exchange of views and a gradual approach to reaching agreed recommendations on the most significant issues of universal interest.

This year a good deal of work has been done on the reform of the principal bodies, funds and programmes of the United Nations — the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA) and the United Nations Children's Fund (UNICEF). This was by and large a positive experience. In operational terms it is quite natural that at this stage special attention should have been paid to improving the organization of work and the rationalization of the documentation prepared by the Secretariat, and the Russian delegation notes with satisfaction that those

issues were resolved by taking a fairly flexible and pragmatic approach.

In making a generally positive assessment of the work accomplished in the reform of UNDP and UNICEF, we should like at the same time to express agreement with the comment in the Secretary-General's report (A/49/558) that it is somewhat early to make a final assessment of the work on reform. The new bodies need to have an opportunity to work for a time under the new system so that next year, in 1995, a comprehensive review of their activities may be possible and their parameters corrected, if necessary.

On the question of the resources for operational activities, we share the concern expressed by many countries with regard to their insufficiency. I should like to express support for the efforts of the UNDP, UNFPA and UNICEF leadership to mobilize additional resources from various sources. In our view, however, it is also important to enhance the effectiveness with which existing resources are used. As for the financing of operational activities, we, along with several other delegations, continue to believe that there is a need to retain the principle of voluntary contributions.

We feel that the success of the new organization of work of the "general segment" of the Economic and Social Council is unquestionably the reduction in the number of resolutions and in discussions which duplicate each other. We believe, however, that it is important that, while we should retain this reformist approach, Member States should still have ample opportunity to express their points of view on the agenda items of interest to them in this segment.

Serious reservations remain with regard to eliminating duplication of work by the Council and the General Assembly on their separate agenda items, although a great deal has been achieved in this respect. In particular, it is high time, at this period of goodwill, to consider removing from their agendas a number of items which are no longer relevant.

We see major possibilities, in particular, with regard to the accountability of the Council and its bodies. Adoption and implementation of the draft resolution on this subject submitted at the Council's summer session, and currently being considered in the Second Committee, would in our view be a major step in this direction. It would enable the Secretariat to organize the preparation of documentation, and provide for its timely publication, in accordance with United Nations standards. As we are all well aware, at one time, the constant breakdowns at this stage became a major impediment to the effective work of delegations. We believe that a greater sense of responsibility is also needed on the part of Member States which participate in the work of the Council and its bodies — above all, in terms of putting reasonable limits on the requests of delegations for the preparation of more and more reports and studies. The draft resolution contains proposals for concrete measures which could ensure definite progress along these lines.

I should like to express the hope that, through our joint efforts, we will be able to adopt by consensus this important draft resolution, which will genuinely promote an intensification of the reform of the Economic and Social Council.

Mr. Wlosowicz (Poland): Let me first thank the Secretary-General for his report (A/49/558) on "Restructuring and revitalization of the United Nations in the economic, social and related fields".

The question of the restructuring of the United Nations to adapt it to the current and anticipated requirements, and greatly expanded expectations, of Member States after the end of the cold war has recently been the centre of attention of a number of Governments, non-governmental organizations, ad hoc committees and eminent experts. The Secretariat has also devoted some thought to this question, introducing a number of somewhat haphazard reforms, but also ordering special studies.

Poland duly appreciates the efforts of the United Nations system as a whole and those of other entities and organizations in responding to the need to improve the effectiveness and efficiency of the work of the United Nations in the economic, social and related fields.

The need to respond to such unsolved problems as social and economic underdevelopment, poverty and environmental degradation has brought about further calls for reform.

Poland fully shares the view that national Governments are ultimately responsible for the coordination of development assistance. The United Nations system should be prepared, on request, to assist Governments in their coordination efforts. To be able to respond to such requests the United Nations must first ensure a fully coordinated approach both within and between the programmes of its member organizations.

The implementation of a single United Nations country strategy can bring optimal utilization of collective knowledge, expertise and experience, an effective integration of resources and a reduction in the duplication of work. The design of the United Nations country strategy should result from close cooperation between a Resident Coordinator and the United Nations system organizations and an individual Government.

The Resident Coordinator should be responsible for the coordination and management of all United Nations activities in the country concerned, from emergency response through rehabilitation to development. Such increased cooperation between the United Nations development system organizations, contributing to better utilization of their comparative advantages, can be assured through a single United Nations country office. A unified presence in the field can contribute to the harmonization of the programming process, the standardization of programming systems and procedures, and the coordination of resource mobilization strategies for development programmes and emergency operations.

Another vital facet of restructuring might consist of that decentralization to which only lip service is now being paid, while elsewhere — for example, the Rio Conference institutional follow-up in the Secretariat — some decentralization is well under way. The formula for regional commissions calls for a thorough examination. They should avoid duplication with global organizations like the United Nations Conference on Trade and Development (UNCTAD), the General Agreement on Tariffs and Trade (GATT) and many specialized agencies, as well as the New York Secretariat structures. The streamlining of the scope of the activity of regional commissions according to one optional pattern would create possibilities for development data to be aggregated and compared. In particular, all of them should deal with social matters; for example, the Economic Commission for Europe should no longer be an exception in this regard, but should finally start to deal with social matters, especially with the social implications of the transition of centrally planned economies to open market economies. Once the priorities are determined and agreed upon, they should be incorporated — in the form of corresponding restructuring — throughout the Secretariat.

In the economic, social and related fields intergovernmental structures require careful scrutiny. While considerable progress has been achieved in the Economic and Social Council merging the economic and social aspects of development, and — as recommended by Poland — these aspects were put together in one Survey for the first time, the General Assembly continues to maintain two separate Committees. Therefore, we reiterate the proposal to merge the Second and Third Committees, without human rights, and create a new one — on human rights and humanitarian affairs — so as to provide Member States with a universal platform for dialogue on these matters.

While commendable changes have already been introduced in the Secretariat to upgrade units dealing with human rights, these account for only a part of the activities of the Third Committee within the structure of the General Assembly, although they deserve, in our view, to have a special organ. The Commission on Human Rights is only a functional body of the Economic and Social Council. In our view, it deserves a much higher rank, perhaps even that of main organ. The same concerns apply to humanitarian matters, which are not privileged to have any special intergovernmental organ.

We wish once again to restate our position — which we expressed in other interventions during the current session — on the need for interaction between the Security Council and the Economic and Social Council. Poland has been advocating that the Economic and Social Council be invited to provide reports to the Security Council on economic and social developments that are of particular importance to world peace, security and stability.

The latest proposals for the restructuring of the United Nations development system should make it possible to react in a timely manner to the needs of countries undergoing structural reforms. In this context, our own experience in changing both our political and our economic systems in the direction of democracy and a free market could be thoroughly examined and serve as an example.

In my delegation's view, one of the major issues that should be taken into consideration during the present debate is the question of interaction between the United Nations and the Bretton Woods institutions. It is of great importance to develop this cooperation both at the Headquarters and the national levels. The identification of areas of comparative advantage for the United Nations system and for the Bretton Woods institutions could result in a more efficient way of assisting individual countries.

I should also like to mention the importance of keeping in mind the mobilization of sufficient financial

resources when we deliberate on the reform and restructuring of the economic and social fields of the United Nations system and the need to better respond to countries' expectations. To better ensure predictability in the planning of future programmes, further studies and discussions on funding mechanisms for United Nations development activities are necessary.

My delegation fully supports the proposals to restructure the United Nations economic and social sector based on a rational approach so as to lead to enhanced coordination and effectiveness of work, better use of allocated resources, and more business-like working methods.

The forthcoming fiftieth anniversary of the United Nations will be an appropriate occasion to consider a possible restructuring of the network of intergovernmental bodies. In such an endeavour, the objective should be the adjustment of that network to the current and envisaged challenges confronting the world community and not to past priorities. In particular, a comprehensive — not piecemeal — approach to development should be ensured, the concepts of sustainable and human-centred development should be reflected in the institutional set-up, and any duplication of work by the various bodies should be avoided or eliminated.

Mr. Marrero (United States of America): The United States welcomes this opportunity to discuss the revitalization and restructuring of the Economic and Social Council. This is a vital effort, central to our mutual concern in making the United Nations a more effective instrument for pursuit of our common interests. We appreciate the Secretary-General's very helpful report in this regard and thank the Secretariat staff for their efforts.

The United States views the reform of the Economic and Social Council as a work in progress, with the goal of bringing about a fully effective Council now in sight but not yet fully achieved. Modest improvements in the working methods of the Council have been brought about with the current reform effort, but much more remains to be done. Similarly, the effectiveness of the governance over the United Nations operational activities for development has been improved, but wide latitude remains for further enhancement.

As we noted earlier, a number of the suggestions put forward by the Secretary-General in his report on an Agenda for Development are relevant to the ongoing project of increasing the Economic and Social Council's relevance and effectiveness. The Council is still far from performing the United Nations system-wide coordination functions set forth in Articles 63 and 64 of the Charter of the United Nations.

With the fiftieth anniversary of the United Nations drawing near, it is fitting indeed that we consider how best to ensure the Organization's value and usefulness to the global agenda for the coming century. The economic and social activities of the United Nations offer, in many ways, the greatest opportunities for giving the United Nations a significant, if not central, role in international human relations.

A brief review of the current state of the Economic and Social Council under its revised procedures may be useful. In general, the United States is pleased with the progress made thus far, but remains concerned that the full potential of improved procedures has yet to be realized. Further streamlining is needed. The duration of the annual substantive meeting can and should be shortened, and recurring subjects with their ensuing resolutions should be taken up on a multi-year basis — biennialized, or, preferably, in some instances, triennialized wherever possible.

The Economic and Social Council's high-level segment offers a useful opportunity for ministerial-level officials to meet and exchange views. This opportunity is realized more on the margins of the Council meeting than in the meeting itself, however. We must strive to induce more of a dialogue among the high-level participants than a series of set speeches. While it may be difficult to eliminate prepared ministerial remarks altogether, we must seek to shorten them as much as possible and allow the maximum time for genuine dialogue. Focusing the subjects of high-level meetings as tightly as possible could also help encourage specific discussion.

The coordination segment at the Economic and Social Council's most recent substantive session worked particularly well in dealing with the narcotics issue, with real attention devoted to the problem and a resulting strengthened resolve to address it. After a half-day of formal speeches, the floor was opened for informal debate, producing a frank and useful discussion among Member States, United Nations agencies and international financial institutions on a number of issues relating to the United Nations system broadly and to agencies and multilateral development banks specifically. This was a very promising example to follow in continuing and further refining this segment. Greater discipline in

adhering to the agreed time-limit for introductory speeches would, perhaps, be the most obviously useful refinement.

In choosing the themes for the coordination segment, the United States strongly favours a greater effort to identify subjects of mutual interest to all members, rather than tending to balance pairs of themes of particular interest to specific groups of countries. This is an ideal that may be difficult to realize in practice, but one that we should constantly bear in mind as both a procedural and a substantive preference.

The United States would oppose establishing a multi-year calendar of themes for the coordination segment. Such an approach risks being unresponsive to evolving circumstances in the world. At the same time, we recognize the need for sufficient lead-time to enable the Secretariat to develop, and prepare properly for, the discussions of the Economic and Social Council. We would thus favour regularly implementing the proposal contained in Social and Economic decision 1994/33 — to decide on a principal theme or themes at a regular Council session for consideration at the subsequent regular session, allowing a year for preparation of a solid, substantive report on the chosen subject or subjects. The clause in decision 1994/33 that allows the subjects to be chosen as late as the organizational session immediately preceding the substantive session should no longer be applied; three months is simply too short a time to prepare properly for a serious, in-depth discussion.

The operational-activities segment seems to the United States to be the one most clearly on track in achieving its intended purpose of fostering a real give-and-take. We hope it will continue in this vein; it is working well. We have found it particularly useful for all interested participants in this segment to move from the great halls into smaller meeting rooms, where they can debate issues more effectively.

The Economic and Social Council's general segment also seems to be working well. Without a speakers' list, delegations appear encouraged to limit their interventions to well focused, truly relevant remarks. Real dialogue seems to be the result and the session is much more interesting to attend — certainly not the least of the considerations that should motivate us to carry on in this mode.

The decisions of the Economic and Social Council could be followed up more effectively if, in the first instance, there were fewer decisions. The UNDP/UNFPA Executive Board model of adopting decisions without preambular paragraphs can well serve as an appropriate model for our work in the Economic and Social Council. Subjects should be taken up biennially — or, preferably, triennially — to the maximum extent possible. Additionally, we should all vow to review the regularity by which we call for reports on the implementation of decisions. How much can realistically be done in one year to warrant a report on a decision's implementation? In most cases, probably not much — and a realistic multi-year reporting schedule would recognize this fact, with exceptions as necessary.

Moreover, streamlining reports to the bare minimum would be very helpful. Only the truly operational paragraphs of a specific decision should be cited in a report and given a succinct and substantive response. Extensive background information should be eliminated altogether. Brevity is the soul of wit, and concise reports limited to the actual, actionable requests from the decision mandating the report should be the heart of the Economic and Social Council's follow-up process. Once again, the UNDP/UNFPA Executive Board model for reports would be useful for the Economic and Social Council to imitate.

The use of the Economic and Social Council as the policy-making body of the operational development programmes is still moving from concept to practice. We await the complete implementation of this scheme without undue further delay, and look forward to evaluating it once it has gone fully into operation. Meanwhile, we note that the new Executive Boards of UNDP/UNFPA and the United Nations Children's Fund (UNICEF) have begun to show improvements in effectiveness in comparison with the governing bodies they replaced, and we anticipate that further refinements will come with experience in their operation.

The Secretary-General's recent report containing proposals for an Agenda for Development contained several suggestions for further reform of the Economic and Social Council. We will not repeat our views in detail here as they were presented earlier in the debate on that subject. We would simply note once again that two ideas are of particular interest in crafting further enhancements of the Economic and Social Council: first, further reforming the Economic and Social Council to serve as a unifying governing body for all United Nations operational programmes and activities and as a mechanism for reviewing development assistance and identifying impending humanitarian emergencies; and,

secondly, creating an expanded bureau of the Economic and Social Council to meet between Council sessions — a de facto executive committee.

Closely-related ideas that would bear importantly on supporting and facilitating improvements in the Economic and Social Council include using the Administrative Committee on Coordination (ACC) to strengthen coherence and impact of United Nations agency work — a de facto "cabinet" to drive coordination, cooperation and collaboration — and creating a more integrated, efficient and effective structure for United Nations development activities with frequent meetings of all senior United Nations officials in the economic and social sectors, presided over by the Secretary-General and organized by the UNDP Administrator, as a mechanism for the better coordination of development activities.

We hope these suggestions will receive due attention in the proposed open-ended working group to consider the Secretary-General's recommendations in an Agenda for Development.

In conclusion, we note that the agenda for improving the Economic and Social Council remains open as the effort for improvement remains a work in progress. In particular, we share the sentiments expressed by some other delegations in the course of the forty-ninth session, and also noted by the Secretary-General at earlier sessions, that radical reduction of the subsidiary bodies of the Economic and Social Council is needed, both by consolidation as well as outright elimination of numerous activities of marginal value or lower priority. This remains a task to be more fully defined and undertaken perhaps as part of the renewed commitment to the United Nations that should accompany the commemoration of its fiftieth anniversary.

Mr. Illueca (Panama) *(interpretation from Spanish)*: To speak for Panama is a special circumstance for me which might, in a sense, be secretly symbolic especially in reference to the item under consideration at this meeting.

I have long travelled the corridors leading to this rostrum. The United Nations is a powerful reality for me. My country and I have always been there when circumstances required unswerving loyalty to the ideals of the United Nations.

In the quest for a universalist answer to the problems of the international community my country has always shown a spirit of cooperation. In the Latin American and Caribbean Group, we know the course set for us by the liberators of our continent. It is with these credentials that I come to this rostrum again to say that the delegation of Panama is available to make its contribution to the trend of feelings and ideas which abound in the General Assembly.

For approximately five years it has been stated in the various forums of the United Nations that the end of the cold war has seen the disappearance of politicization. My delegation believes this to be relatively true. Any society strangled by emergencies must resort to taking decisions that become political in the sense that they must show preference for one solution at the expense of others; choice has always been the result of power. We have also heard a great deal about the bureaucratic density of the Secretariat and of the United Nations organs; we also hear the great variety of opinions of Member States; and both are blamed for the inability of the United Nations to act.

My own personal experience is that every time the United Nations gives too much room and too much exclusivity to the exercise of power, it ends by paralysing its own creative dynamism.

While it is true that the international climate has changed in scope, it is also true that trends, particularly in the economic, social and related fields, continue to lead to outbursts of frustration among those who are weak and small — I refer, of course, to Member States.

As can be seen in the texts of the annexes to General Assembly resolution 48/162, the United Nations has established objectives, goals and programmes of action in the economic and social fields and related areas. There are many important instruments adopted by consensus whose purpose is to promote international economic cooperation and, in particular, to foster economic growth and development in the developing countries.

My delegation believes that to find the path of restructuring that will revitalize the United Nations and enhance the functioning of the Economic and Social Council, we must follow the guideposts of creative freedom. To the extent that freedom can be exercised with potency in the international arena, "we the peoples of the United Nations" will succeed in working together to solve problems, gain a proper sense of history and guide events creatively.

It is nearly impossible to quantify the determination of Member States to bring about change and progress, but it is certain that this determination has its roots in the originality and abundance of positions stated at United Nations meetings.

The delegation of Panama stresses its respect and admiration for the diversity that enriches the dialogue between Governments and between peoples. I take this opportunity also to say that we are daily confirmed in our view that in the present circumstances of the United Nations the moral authenticity of these diverse views springs from frequent, often joint, recourse to conciliation machinery, to tolerance, to reform and to incalculable generosity.

The spirit of reform must be inspired by a deep-seated resolve to restore the United Nations, in keeping with faith in a common destiny of dignity for all peoples and with steady adherence to the principle of equality and the ideal of solidarity, which are essential if international relations are to be democratized. My delegation earnestly desires this debate to bolster that faith and that ideal.

The Secretary-General has reiterated his determination to engage in a fair assessment and a balanced evaluation of what is right and what is wrong, of problems, of material resources and of procedures. He has stated his belief that the United Nations must be founded on action, based on principles and bolstered by values.

The proper voice may or may not be that of the powerful and their interests, but it must be the voice of a people aspiring in the United Nations to speak of "we the peoples", setting aside selfishness and sharing a true communion of ideals. That aspiration to a true communion stems from every society's need to free itself from the solitude and isolation of its self-sufficiency and its needs. Indeed, such solitude is incompatible with the shifting vista of interdependence. This communion razes the obstacles that selfishness erects in the path of constructive communication. A Member State of the United Nations, whether large or small, can shed its selfishness by being ever ready to communicate with other States and to stride with them upon the broad field of creative freedom while remaining true to itself.

Among all the organizations working in the economic, social and related fields, the United Nations, owing to its founding principles and ideals, undoubtedly bears the greatest responsibility to light a beacon of hope. Each Member State must be sure that what the Organization does to combat poverty and hunger and to achieve development will go beyond the short-term. Most important — for it offers a real dividend — is to seek within the United Nations absolute brotherhood and equality, surmounting differences, inequality and even territorial, ethnic and religious conflict, all of which we are pledged to overcome for the sake of peace, progress and human happiness.

Mr. Butler (Australia): The restructuring and revitalization of the United Nations in the economic, social and related fields is a subject of indisputable importance. It is very interesting to my delegation that few refer to the fact that we have been about this business for some four years, having started down the track in 1991. I put it to the Assembly that we are at a turning-point, a point at which we must begin to make new departures for the twenty-first century.

The report of the Secretary-General before the Assembly in document A/49/558 gives a clear account of actions which have been taken and which are now under way in the process begun four years ago, actions designed to bring about both more effective and more efficient functioning of the Economic and Social Council and of the United Nations funds and programmes in the area of development.

On an earlier occasion, in the Economic and Social Council, I discussed what my delegation thought was meant by those concepts of effectiveness and efficiency. A ready definition that we thought useful to us all was that effectiveness is to do the right things, and efficiency is to do those things well. It seems to Australia that these are objectives on which we must keep our gaze firmly fixed: to do the right things, and to agree to do them well.

The changes that are outlined in the Secretary-General's report and that are under way now are important intrinsically, but I submit that they are also important for at least three far deeper reasons. One is the issue of balance within the United Nations. We should not fail to remember that the Charter of the United Nations is not simply about the maintenance of international peace and security; it is equally directed to "social progress and better standards of life in larger freedom". And to that end Article 1 (4) enjoins us to harmonize our actions — not our thoughts, not our aspiration, but our action. In Article 56 Members pledge themselves to quite specific measures of international economic and social cooperation. Unless we remember

that pledge, and our commitment to better standards of life in larger freedom, we will not have balance in the United Nations.

Secondly, there is the concept of human security. This is not opposite, or in contradiction to, the concept of the security of States; it is a concept that has been brought to the centre of our agenda by the circumstances we face today. It is for that deeper reason as well that what is at issue in today's debate is important: what is at issue is balance in this house and bringing to the fore, alongside the concept of the security of States, the concept of human security.

Thirdly, if we are to take this approach, we will then be addressing the significant need, which I believe we all acknowledge the United Nations to be facing, to reintegrate the Organization so as to be sure that we are doing all of the things that are in its Charter, not just some of them chosen selectively. Many have observed that this is in fact a major opportunity of the post-cold-war period: not just to send the Blue Helmets to places where they have not been before, but to reintegrate the United Nations and to make sure that we seize the opportunity presented by the end of 40 years of frozen politics to ensure that the concept of human security and the promise of the Charter in the economic and social fields are brought to the centre of our agenda.

In practical terms, what is at issue in such action is to ensure a definite improvement in the capacity of this Organization to take decisions — decisions defined as actions and agreements which cause something practical to happen outside this Hall — rather than merely to create materials that are of archival significance alone. There are many reasons for our wish to do this — the practical reasons of human security — but I should like to mention one in particular: our own public credibility.

There is a clear want of credibility for this Organization. That credibility would surely be greatly enhanced if those who sent us here were to see us taking actions and decisions which cause things to happen rather than creating materials of merely archival significance. For these reasons, the reforms which are being implemented, particularly in the Economic and Social Council, must be continued. The task is not over. They must be continued and they must continue to be implemented.

But as we do that I believe we are now bound to recognize the emergence of a new element and a new set of concerns. Of course, I am referring to the Agenda for Development. It can be expected that the General Assembly will shortly decide to establish a working group to consider the Agenda for Development in substance. We have the two documents before us. We have had a debate. The time for action is upon us.

I wish to make it clear that Australia strongly supports the establishment of that working group and the commitment and work that will flow from it. As this vital work unfolds, it will be very important that the work on the restructuring and revitalization of the United Nations economic, social and related activities — which in many respects is organizational and procedural in character — be brought into the most productive possible relationship to what will be decided in substance pursuant to the Agenda for Development. We must continue with this reform and revitalization process, recognizing that, to a great extent, it is necessarily organizational and methodological in character. We must, at the same time, now ensure that it complements, is able to be folded into and fits with what we will do in substance in the vital area of the Agenda for Development.

It is clear that, as we approach the fiftieth anniversary of the United Nations, perhaps one of the main products of that historic event will be the need for us to synthesize the outcomes of the six great global Conferences of the post-cold-war period and the Agenda for Development. By those Conferences, of course, I am referring to the 1990 World Summit for Children, the Rio Conference on Environment and Development, the Vienna World Conference on Human Rights, the Cairo International Conference on Population and Development, the Copenhagen World Summit for Social Development and the Beijing Fourth World Conference on Women.

These six great global events, appropriately taking place after the end of the cold war, have set an agenda for us. What could be more relevant than children, the environment, population, human rights, social development and women, plus the Agenda for Development? They are our source materials. We need to synthesize their outcomes so that we can construct a new agenda for the United Nations for the twenty-first century. As we do that, we will also need to provide the United Nations — and this is why this debate today is relevant — with the working methods and institutional arrangements capable of implementing that new, synthesized agenda system-wide. If we do that, we will then redirect ourselves towards decision-making in the way I mentioned earlier — decision-making and the achievement of concrete results — because we will have

a relevant agenda for the twenty-first century and the useful mechanisms of this institution on the basis of which we can implement and work on that agenda.

One such outcome in organizational terms could be that, in the future, the Economic and Social Council would meet regularly and/or that it might have the expanded Bureau or executive that some have mentioned. But one such outcome could be that the Economic and Social Council would meet more regularly than it has done in the past. I should like to say a word about that.

It is clear to many of us, I think, that here on this floor of United Nations Headquarters, one end of the corridor is travelling rather low in the water — indeed, some would say that it is shipping too much water — while at this end the General Assembly and the Economic and Social Council are still travelling somewhat above the waterline. The United Nations vessel should not be listing, tipped down low in the water at the Security Council end of the corridor, but travelling on an even keel. To achieve this, we must give greatly increased attention to the economic and social concerns of Member States and, indeed, to the people each Member State serves. Only if we do this will we have reintegrated the United Nations, put it back together as a whole. Only if we do this will we enable this Organization to keep its promise to all people.

In concluding these remarks, I hope I may say briefly that, as President of the Economic and Social Council for 1994, I am very grateful to the Secretary-General for his having reflected in his report for this debate the changes we have made in 1994. I am very grateful to Member States for their cooperation in agreeing to and implementing those changes. Of course, I can only urge my successor in 1995 to continue down that path of change and reform.

Mr. Lamamra (Algeria) (*interpretation from French*): The consideration of the Secretary-General's report in document A/49/558 on the implementation of recommendations contained in resolutions on the restructuring and revitalization of the United Nations in the economic, social and related fields gives me the opportunity, on behalf of the States members of the Group of 77 and China, to make a few comments and observations arising quite naturally from the particular importance which the developing countries attach to this question in all its aspects. I wish to note first the significant delay in the issuance of the report, since, in our opinion, it should have been submitted to the substantive session of the Economic and Social Council which, having had an adequate opportunity to consider it, would then have been in a position to make appropriate recommendations to the General Assembly at its forty-ninth session. Although this stage was ignored, and a great deal of time was available to draw up this report, it adopts an entirely descriptive approach which, for the most part, confines itself to narrating without any substantive analysis the activities carried out by the various organs and institutions involved in the implementation of the provisions of resolution 48/162 in particular. It would have been desirable, for example, to stress the respective roles of the General Assembly and the Economic and Social Council in this context, particularly regarding the practice of the division of work between these two major bodies in the light of a year of experience.

While it is true that a single trial year cannot objectively form a basis for a conclusive assessment of the functioning of the governing bodies of funds and programmes, the report nevertheless did stress several positive aspects dealing with the improvement in methods of work of those bodies, particularly as regards the situation which prevailed before their restructuring. However, the report was not very bold in its references to the difficulties and flaws linked to the situation resulting from the restructuring. From the point of view of the developing countries, the situation presents, at the least, the following drawbacks.

The programming of several meetings of the Executive Boards of funds and programmes throughout the year made effective participation by the developing countries in the deliberations of these Boards extremely difficult, particularly given the limited size of their delegations to the United Nations and the financial problems resulting from the sending of representatives from their capitals. This state of affairs runs the risk of infringing on the universality and representativeness of these bodies in that it undercuts the balance and transparency that should characterize their decision-making process.

The de facto marginalization of the developing countries is fraught with the danger that the governing bodies of the funds and programmes might in time be transformed into committees of experts, with the result that policies and programmes would not necessarily meet the specific and concrete needs of these countries to which resolutions 47/199 and 48/162 refers.

The allocation of issues between the regular meetings and the annual meetings no longer seems clear

to the extent that the guiding line between the two types of session lacks clear definition of a plan for the allocation of subject-matters, with the consequence that the character of the annual session as an important decision-making body is diminished.

Given these considerations, the Group of 77 and China believe that the report to be submitted to the substantive session of the Economic and Social Council in 1995 must make recommendations that respond to these concerns, duly taking into account paragraphs 37 and 38 of annex I of resolution 48/162, dealing with the machinery for the review and consideration of the effectiveness of the measures taken to improve the working methods of the Executive Boards, with a view to preserving in all circumstances the indispensable balance between universality, efficiency and transparency. The triennial consideration of operational activities during the fiftieth session of the General Assembly could also provide an appropriate framework for making the necessary adjustments to remedy the deficiencies that may be observed by that time.

The report under consideration shows that there has been no movement in the discussions on the financing of operational activities within the framework of the Working Group of the General Assembly created during the forty-eighth session to consider modalities and mechanisms to improve the financial situation of these activities. Despite the commendable efforts of the Chairman of the Group, Mr. Sreenivasan of India, it seems that this aspect of restructuring were the victim of a dangerous phenomenon — marginalization and disinterest — while operational activities are suffering, first and foremost, from a chronic erosion of resources. Moreover, the package that was negotiated within the framework of resolution 48/162 clearly implied that the developing countries' acceptance of the reduction in size and the changes in the membership of the Executive Boards of funds and programmes was linked to the commitment of the donor countries to an increase in financial resources earmarked for operational activities for development on a continuous, secure and predictable basis. As of now, prospects for a satisfactory solution to this question do not seem to be at hand, and it is feared that the lack of political will to honour this commitment — increasing the resources — is in fact linked to and fuelled by the lack of a consensus concerning the machinery and systems for financing.

In the last analysis, without the improvement sought in the financing of operational activities, the developing countries, the majority of which are beneficiary countries, will be doubly penalized: through underrepresentation and diminished participation in the Executive Boards of the funds and programmes and because of the shrinking volume of their cooperation programmes.

The President returned to the Chair.

The last paragraph of the report before us takes up the question of the modalities of reporting in the economic, social and related fields by recalling the language of paragraph 36 of annex I of resolution 48/162. In that context, the report refers to these measures that were submitted by the Secretariat to the Economic and Social Council at its 1994 substantive session. These measures, which were not considered in depth, clearly result from an interpretation which is quite remote both from the spirit and the letter of the basic text. Indeed, this question had been taken up by the General Assembly in terms of the role that the Secretariat should play in the restructuring process, under the heading "*Secretariat: the enhanced role and capability of the United Nations Secretariat*". More specifically, paragraph 36 invites the Secretariat further to examine ways and means to enhance the modalities of reporting and makes mention of the advantages of establishing a system of integrated reports. However, the measures recommended by the Secretariat clearly seem to opt for a solution of expediency, namely, the elimination of a certain number of reports in favour of oral reports, the limitation of the contents of the reports to a simple statement of the results of votes and the submission of draft decisions and resolutions, and so on.

This reductionist approach of the very idea of rationalization posits as an axiom a drastic and mechanical reduction of the documentation required in the economic, social and related fields, while the revitalization of other United Nations activities is being reflected by an opposite trend. In addition, it is clear that limits on documentation and the introduction of more oral reports would primarily affect the ability of small delegations to participate, since their size does not allow them to have more a physical presence and to develop sufficient continuity and an adequate filing system. Finally, it is clear that a fragmented and biased approach to this issue could not have telling results and that it is to the Committee on Conferences, whose mandate includes the formulation of recommendations on the issue of documentation as a whole, that these Secretariat suggestions should have first been sent.

The Group of 77, which is reformist by nature, cannot, however, associate itself with proposals that contain the seeds of the marginalization of the economic and social sectors of the United Nations at a time when major international conferences, as well as the report of the Secretary-General on an "Agenda for Development", are finally endowing this vital area with the importance it must have, both within the Organization and among the concerns of the international community.

We hope that the consideration of this agenda item a year from now will provide a greater source of satisfaction for the developing countries.

The President *(interpretation from French):* We have heard the last speaker in the debate on this item.

We have thus concluded this stage of our consideration of agenda item 43.

Agenda item 34 *(continued)*

The situation of democracy and human rights in Haiti

Report of the Secretary-General (A/49/689)

Draft resolution (A/49/L.40)

The President *(interpretation from French):* Members will recall that the Assembly concluded its debate on this item at its 69th meeting, which was held on 28 November.

The Assembly will now take a decision on draft resolution A/49/L.40.

In this connection, I should like to refer to a mistake in one of the footnotes to the draft resolution. Footnote number 3 should read "A/49/689" and not "A/48/931".

The following countries have joined the sponsors of the draft resolution: Austria, Canada, Finland and Sweden.

May I take it that the Assembly decides to adopt draft resolution A/49/L.40?

Draft resolution A/49/L.40 was adopted (resolution 49/27).

The President *(interpretation from French):* We have thus concluded this stage of our consideration of agenda item 34.

Agenda item 16 *(continued)*

Elections to fill vacancies in subsidiary organs and other elections

(a) Election of twelve members of the World Food Council: note by the Secretary-General (A/49/260 and Add.1)

The President *(interpretation from French):* In accordance with resolution 3348 (XXIX) of 17 December 1974, the General Assembly elects the members of the World Food Council upon the nomination by the Economic and Social Council.

The Assembly has before it document A/49/260 and Add.1 containing the nominations by the Economic and Social Council to fill the vacancies in the World Food Council that will occur as a result of the expiration, on 31 December 1994, of the terms of office of Albania, Australia, the Central African Republic, Germany, Guatemala, Honduras, Indonesia, Nicaragua, the Russian Federation, Swaziland, Thailand and Uganda.

Those States are eligible for immediate re-election.

I should like to remind Members that after 1 January 1995 the following States will remain members of the World Food Council: Bangladesh, Brazil, China, Ecuador, France, Guinea-Bissau, Hungary, India, the Islamic Republic of Iran, Italy, Japan, Liberia, Malawi, Mexico, Nigeria, Norway, Pakistan, Peru, the Sudan, Tunisia, Turkey and the United States of America.

Therefore those 22 States are not eligible in this election.

The following States have been nominated by the Economic and Social Council: (a) three African States for three seats — Angola, Kenya and Uganda; (b) two Asian States for two seats — Indonesia and Marshall Islands; (c) one Eastern European State for two seats — Russian Federation; (d) three Latin American and Caribbean States for three seats — Colombia, Dominican Republic and Honduras.

As a result, the number of candidates nominated from among the African States, the Asian States and the Latin American and Caribbean States is equal to the number of seats allocated to each of those regions.

As delegations know, rule 92 of the rules of procedure provides that all elections shall be held by secret ballot. However, in accordance with paragraph 16 of decision 34/401, the Assembly may dispense with balloting when the number of States nominated from among the regions is equal to the number of seats to be filled.

May I take it that the Assembly wishes to declare those States elected members of the World Food Council for a three-year term beginning on 1 January 1995?

It was so decided.

The President *(interpretation from French):* May I further take it that the Assembly also wishes to declare the candidate nominated from among the Eastern European States elected a member of the World Food Council for a three-year term beginning on 1 January 1995?

It was so decided.

The President *(interpretation from French):* I congratulate the States that have been elected members of the World Food Council.

Regarding the three remaining seats — one for the Eastern European States and two for the Western European and other States — for this session, the General Assembly will be in a position to act on them upon the nomination by the Economic and Social Council of Member States from those regions. I should also point out that there are two seats left vacant since the forty-eighth session — one for the Eastern European States and one for the Western European and other States — which also require candidates from those groups nominated by the Economic and Social Council.

I therefore propose that the Assembly keep this sub-item on the agenda of the forty-ninth session.

If I hear no objection I shall take it that the Assembly agrees to that procedure.

It was so decided.

The President *(interpretation from French):* The Assembly has thus concluded this stage of its consideration of sub-item (a) of agenda item 16.

Agenda item 17 *(continued)*

Appointments to fill vacancies in subsidiary organs and other appointments

(h) Appointment of the members of the Consultative Committee on the United Nations Development Fund for Women

The President *(interpretation from French)*: The terms of office of the present five members of the Consultative Committee appointed under General Assembly decisions 46/311 A, of 13 November 1991, 46/311 B, of 20 December 1991, and 46/311 C, of 22 May 1992, expire on 31 December 1994.

Following consultations, I have appointed Indonesia and Uganda members of the Consultative Committee for three-year terms beginning on 1 January 1995.

May I take it that the General Assembly takes note of these appointments?

It was so decided.

The President *(interpretation from French)*: With regard to the three seats remaining to be filled, the consultations to identify the candidates for appointment as members of the Committee are still under way. I wish to reiterate to the regional Groups my hope that they will continue to cooperate with me in this connection.

I propose that the Assembly retain sub-item (h) of agenda item 17 on the agenda of the forty-ninth session.

As I hear no objection, I take it that the Assembly agrees to that procedure.

It was so decided.

The President *(interpretation from French)*: We have thus concluded this stage of our consideration of sub-item (h) of agenda item 17.

(i) Appointment of members of the Committee on Conferences: note by the Secretary-General (A/49/109)

The President *(interpretation from French)*: As indicated in document A/49/109, since the terms of office of Honduras, Hungary, the Islamic Republic of Iran, Jamaica, Mozambique, Senegal and Turkey expire

on 31 December 1994, the President of the General Assembly must appoint, during the current session, seven members to fill the resulting vacancies. The members appointed will serve for a term of three years beginning on 1 January 1995.

Following consultations with the Chairmen of the Group of African States, the Group of Eastern European States and the Group of Western European and Other States, I have appointed Belgium, Ghana, Latvia and Senegal members of the Committee on Conferences, effective 1 January 1995.

May I take it that the Assembly takes note of these appointments?

It was so decided.

The President (*interpretation from French*): With regard to the three seats remaining to be filled, one from among the Asian States and two from among the Latin America and the Caribbean States, I intend to hold further consultations with the Chairmen of the Groups concerned. I therefore propose that the Assembly retain sub-item (i) of agenda item 17 on the agenda of the forty-ninth session.

If I hear no objection, I shall take it that the Assembly agrees to that procedure.

It was so decided.

The President (*interpretation from French*): We have thus concluded this stage of our consideration of sub-item (i) of agenda item 17.

The meeting rose at 12.05 p.m.

United Nations A/49/PV.76

General Assembly
Forty-ninth Session

Official Records

76th Meeting
Monday, 5 December 1994, 3 p.m.
New York

President: Mr. Essy . . . . . (Côte d'Ivoire)

The meeting was called to order at 3.20 p.m.

Agenda item 37 *(continued)*

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance

(e) Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan

Note by the Secretary-General (A/49/208)

Report of the Secretary-General (A/49/688)

Draft resolution (A/49/L.45)

The President *(interpretation from French)*: I call on the representative of Germany, who will introduce draft resolution A/49/L.45.

Mr. Graf zu Rantzau (Germany): It is with great satisfaction that Germany assumes the task of introducing draft resolution A/49/L.45, entitled "Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan". The text is sponsored also by the following Member States: Afghanistan, Austria, Belgium, Denmark, Finland, France, Ireland, Japan, Luxembourg, Norway, the Russian Federation, Saudi Arabia, Sweden, Turkey, the United Kingdom, the United States of America, Uzbekistan, Brunei Darussalam, Greece, Italy, the Netherlands, Togo, Spain, Tunisia, Turkmenistan and Yemen. As the draft resolution will not be put to the vote today, we urge all other Member States to join in sponsoring it.

I am speaking on behalf of the European Union and of Austria and Sweden. We are convinced that the resolution can contribute to bringing an end to the bloodshed in Afghanistan and to enabling the people of Afghanistan, an overwhelming majority of whom are longing for peace, to live in a State which is ruled by the principles of law. The sovereignty and territorial integrity of the Islamic Republic of Afghanistan must be maintained and strengthened.

The European Union, Austria and Sweden welcome the initiatives of the Secretary-General of the United Nations aimed at paving the way for a lasting peace in Afghanistan, most notably the appointment of a Special Representative for Afghanistan, Ambassador Mestiri, who, through intensified consultations and talks with important Afghan leaders, has created a viable basis for political steps to be taken in the future. On behalf of the European Union, Austria and Sweden, Germany supports the presidential statement made at the 3474th meeting of the Security Council, held on 30 November 1994:

> "The Security Council notes with appreciation the progress made by the United Nations Special Mission to Afghanistan, led by Ambassador Mahmoud Mestiri, and the report of the Secretary General of 22 November 1994." *(S/PRST/1994/77)*

94-87348 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Section, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum. When the result of a recorded and/or roll-call vote is followed by an asterisk, see annex to the record.

In our view, the most important result of the talks held most recently by Special Representative Ambassador Mestiri is the realization that the vast majority of the Afghan people want national *rapprochement*. It must now be the role of the United Nations to support this wish for peace.

In this regard the European Union stated the following, in a memorandum which was circulated concurrently with the statement made by the German Foreign Minister Klaus Kinkel at the 6th meeting of the General Assembly, held on 27 September 1994, on behalf of the European Union:

> "The European Union deplores that fighting is continuing in Afghanistan, particularly in Kabul, where it has brought death and destruction among civilian populations. It appeals to all Afghan leaders to end their confrontation and to open a peaceful dialogue, and calls on all Member States to stop all support for the parties involved in the Afghan hostilities. The European Union supports the initiative taken by the Secretary-General of the United Nations to send his special representative for Afghanistan, Ambassador Mestiri, on two fact-finding tours to Afghanistan. It endorses the recommendations contained in the Mission's progress report."

The European Union, Austria and Sweden are firmly convinced that, after many years of hostilities between the Afghan leaders and groups which have resulted in a deplorable, massive loss of life and of material property for the population, particularly in Kabul but also in other parts of the country, a first step should now be a political initiative with the objective of promoting the process of national *rapprochement*. To achieve this goal a few measures seem imperative: these we have outlined in the draft resolution and they have been the object of talks between Ambassador Mestiri and Afghan leaders.

We would like to draw special attention to the following recommendations contained in the draft resolution. First, we consider it indispensable that the Secretary-General and his Special Representative for Afghanistan should continue and be unrelenting in their efforts for national *rapprochement* and reconstruction of the country. We support these efforts.

Secondly, we believe that the establishment of a representative "Authoritative Council" is necessary. Its task will include negotiating an immediate and durable cease-fire, creating and controlling a national security force, collecting heavy weapons, and forming an acceptable transitional government in order to create conditions for free and fair elections in the whole country.

Thirdly, we call upon all Afghans to agree to an immediate cease-fire and to support the efforts of the Special Representative, Mr. Mestiri, to facilitate national reconstruction and restore a fully representative and broad-based transitional Government. Likewise we call upon all States to respect Afghanistan's sovereignty and territorial integrity, to refrain from any interference in its internal affairs and to respect the right of the Afghan people to determine their own destiny. Arms deliveries from the outside to Afghanistan must stop.

Fourthly, we call on the Secretary-General to continue his efforts to develop plans for the national reconstruction and rehabilitation of Afghanistan, and we appeal to the international community and international organizations and institutions to provide financial, technical and material assistance for the restoration of Afghanistan. We support the appeal of the Secretary-General for emergency humanitarian assistance for Afghanistan. The draft resolution commends the efforts made by non-governmental organizations in the field. It is up to the Afghan people, however, to create conditions that would ensure that international assistance for the national reconstruction has a chance to succeed.

The European Union, Austria and Sweden are of the firm conviction that the adoption of this draft resolution will be understood by the people of the Islamic State of Afghanistan and by its political leaders and groups as a sign of encouragement and hope that the United Nations is determined to contribute to the long overdue rapprochement among the Afghan people and to bringing an end to the ill-fated bloodshed.

Mr. Ghafoorzai (Afghanistan): Allow me to begin by expressing our warm congratulations to the delegation of the beautiful island State of Palau on having joined this world family. We wish Palau further progress and prosperity.

As the Assembly begins its consideration of agenda item 37 (e), "Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan", I would like to convey the gratitude of the people of Afghanistan and of the Islamic State of Afghanistan to the Secretary-General, Mr. Boutros Boutros-Ghali, for his continued efforts and strong interest in support of peace for Afghanistan.

At this tragic and grave moment, every strong, sincere gesture of help in ending the present crisis in our homeland will remain a pleasant memory in the mind of present and future generations in Afghanistan — as it will live miserably in the memory of those who seek to take advantage of our problems for their own political purposes.

The decision taken by the Secretary-General in accordance with resolution 48/208, adopted at the last session of the General Assembly, to dispatch a special mission to Afghanistan is considered by Afghans as an important development in the international community's involvement and its assistance towards the complete restoration of peace and stability in their country.

The appointment of a skilful diplomat, an excellent administrator and a sincere personality such as His Excellency Ambassador Mahmoud Mestiri, of the brotherly country of Tunisia, to lead the special mission was an excellent choice. Recognition and identification of the multidimensional issues of Afghanistan — a complex, intermingled society with specific characteristics, sometimes with many recondite aspects — is no easy task. However, it is gratifying to see that the special mission has achieved considerable success in its highly challenging task.

The people of Afghanistan and the Islamic State of Afghanistan, mindful of the fact that the United Nations is a source of common hope for peace, serving no particular interest and thus trustworthy to all, decided to request United Nations support in expediting and strengthening our national efforts aimed at ending the crisis and the military confrontation in our country, at the return of peace and normalcy, and at reconstruction. We are pleased that the special mission, in a series of trips to carry out efforts at mediation, has won the gratitude of our nation and of the Islamic State of Afghanistan. This gratitude reflects our confidence in the Organization.

Afghanistan, owing to its particular strategic location at the crossroads of the interests of world Powers, has been exposed to several massive invasions in the course of its history, most of them associated with extremely devastating consequences — from the aggression of Alexander the Great in the fourth century BC, through the subsequent emergence of Genghis Khan in the thirteenth century and the British colonial invasion from the subcontinent in the nineteenth century, to the recent invasion by the former Soviet Union in the last decade, which continued for 14 devastating years.

All along, these invaders faced vigorous resistance. To diminish the resistance, they had to weaken our national unity, and to achieve this objective the policies of divide and rule and estrangement among the various segments of the population have been used, inflaming ethnic, linguistic and religious sentiments. To nullify these schemes and respond to national crises, our nation has resorted to our traditional measures of peaceful dialogue, discussion, and gatherings of Islamic scholars and elders, and the convening of *jirga*, or councils, as methods typical of Afghan society.

The questions are: Why did Afghanistan encounter such a tragedy this time? Why did Afghans confront each other this time? The answer to these questions can be found in the following factors: First, the former Soviet Union, determined to expand its empire across Afghanistan towards warm waters and realizing the uncompromising opposition of the Afghans to atheism and foreign aggression, resorted to a plan the first steps of which were the destruction of all political, social and even religious institutions and the killing or detention of hundreds of the religious scholars and tribal leaders capable of leading those institutions.

Therefore, structures of that kind, capable of preserving the balance among ethnic groups and tribes and of preventing internal confrontations, were either dismantled or seriously affected and incapacitated. Armed and mobilized Communist groups — with designations such as militias, tribal groups, soldiers of the revolution, and self-defence groups — and mobilized youth organizations were created and established. After the establishment of the Islamic State, the majority of these went underground and engaged in destructive and subversive terrorist activities.

The second factor behind the armed confrontations in some parts of the country results from the massive flow of sophisticated light and heavy weapons and ammunition during 14 years of war. We needed to collect those weapons but, instead, interference on the part of some specific circles beyond our borders, as reaffirmed in paragraph 12 of the Secretary-General's report, appeared as the third factor for causing armed confrontation and for contributing to the misery. Doors of new arms depots were opened by some groups inside the country who were serving outside agendas, and Afghanistan became a huge armoury.

We believe that if, immediately after the collapse of the communist regime and the establishment of the

Islamic State, the Afghan people had been left alone and outsiders had not meddled in our internal affairs, we would surely have proved once again our ability to respond to crises. Peace would already have been returned and reconstruction efforts started.

Some observers have erroneously concluded that there is a civil war in Afghanistan. On the basis of realities and circumstances such an allegation is nothing but a clear misinterpretation of facts. The present crisis in the country is not a civil war but rather an imposed local armed conflict fuelled from outside.

Yes, the Afghan nation is an intermingled society. However, as history recounts, this characteristic of our society has never served as a cause of conflict. On the contrary, in every national crisis and foreign invasion, the Afghan people, irrespective of their ethnicities, as members of one unified family, have formed a solid front against the enemies of their faith and liberty and successfully driven away the invaders preserving their sovereignty, territorial integrity, liberty and Islamic character. Let us recall the historic events of the past decade and ask ourselves if the success of our Jihad in thwarting the former Soviet Union's massive invasion that continued for almost 14 long years accompanied by immeasurable and unimaginable death and destruction is not clear proof of the unity and solidarity of all segments of our society. There is no doubt that such an historic achievement, which greatly contributed to the collapse of the former Soviet empire and became a source of inspiration to many nations for freedom and democracy, would not have been possible without a solid and unified nationwide struggle.

The purpose behind the above illustration and historic account is to justify our expectations from the world community and to call upon it to keep faith in our nation and its foresightedness — to keep trust in our nation as an element of peace, friendship and peaceful coexistence.

From this rostrum, we assure the world community that the Afghan nation is a peaceful nation, very willing to live in peace, understanding and cordiality with its neighbours and moderate in nature, a nation that considers any thinking to the contrary to be incompatible with its essence and character. War always brings ominous phenomena. Drugs is one of them. The problem of drugs in Afghanistan is a product of war.

Yes, we are a Muslim nation, and we are proud of it. We are a nation that believes in peace and hates terror and violence. We are a nation which, on the basis of Koranic instructions, considers the taking of the life of an innocent human being as the greatest sin and the saving of a life as the source of greatest reward.

Political wisdom and far-sightedness require the leaders and politicians of our region to envisage a future of coexistence between their nations and the Afghans, rather than look to short-sighted political objectives. We will once again prevail. What we will be losing is the time and energy to erase from the minds of present and future generations the bitter memories of the unfriendly and hostile attitudes of those who are resorting to stab us in the back at this time of crisis.

With these introductory remarks, let me now turn to the United Nations special mission for Afghanistan.

As previously stated, the Islamic State of Afghanistan, has supported the United Nations mediatory role to bring about a national *rapprochement* by putting an end to foreign interference thus facilitating a political process that would fully restore peace and security, as well as expedite national reconstruction and rehabilitation. This support is extended on the following well-established reasons:

First, the aim of the special mission was found to be in complete harmony with the aspirations of the Afghan nation as exemplified in a number of national peace proposals and initiatives, among them the convening of the broad-based Supreme Islamic Council of Herat in July 1994 on the independent initiative of a national figure, Commander Ismail Khan, the resolution of which greatly contributed in bringing about understandings on principles for a national consensus that are the basis of the current United Nations peace process. In this connection, I should like to assure the Assembly that the entire nation, except for some small circles of warmongers, is eager for peace and considers the military confrontations and weapons unnecessary, destructive and pointless.

Secondly, as previously stated, the Islamic State, is deeply convinced that military means can neither achieve victory for either side nor solve the problems and issues with which we are today confronted. Unfortunately, a faction of the opposition, in violation of every agreement and accord, resorted to the military option as a means of attaining its goals.

Thirdly, the capabilities the United Nation system offers for supporting a sustainable peace process in Afghanistan are adequate. In this connection, my

delegation emphasizes the need for other initiatives to be directed towards complementing the role of the United Nations.

Fourthly, our people have experienced long years of war, and these have produced many social, economic and psychological calamities. A large part of the country remains underdeveloped and ravaged — in some cases beyond rehabilitation. Our present generation is denied education, and I wonder what phenomenon could be more serious to a nation than depriving a complete generation of basic education. These requirements and needs can only be met by adequate international assistance.

Fifthly, the United Nations system has the capabilities to ensure an end to interference in our internal affairs. That is why we welcome the presidential statement of the Security Council dated 30 November 1994, in which, *inter alia*, the Council

> "calls upon all States to take the necessary steps to promote peace in Afghanistan; to prevent the continued flow of weapons, ammunition and military supplies to the warring parties in Afghanistan; and to put an end to this destructive conflict." *(S/PRST/1994/77)*

We have given the highest priority to national efforts to support United Nations endeavours to help Afghanistan end the conflict. We expect our friends to respect our nation's will for peace and to extend the same unreserved support.

The special mission, headed by Ambassador Mahmoud Mestiri, needs the continuous, solid and sustained support of all those who are committed to the right of nations to life and to peace. Failing to take a firm stand would diminish the effectiveness of the United Nations, contribute to the further institutionalization of lawlessness in areas of conflict and further encourage the warmongers to pursue their heinous goals.

I should like at this point to make some general observations on the approach the United Nations is taking in its endeavours and on the need for it to secure appropriate assurances and guarantees for the successful conduct of its mission.

First, respect for a majority vote, based on democratic values, has always been regarded in United Nations goodwill missions as a basic principle in the peaceful solution of problems worldwide. Trying to reach a consensus in achieving a political solution to a crisis is a noble ideal. However, if, owing to the nature of a particular situation — especially if its causes reach beyond internal factors — consensus appears unattainable and all attempts are exhausted, then the application of a preponderant majority vote as a democratic principle and a deterrent against killing and destruction would be completely logical and plausible. This would be particularly true in a situation where one side continued to reject any compromise formula and to violate the right of the innocent civilian population to life and to peace.

In such a situation, a majority vote should in no way be considered as a tyranny of the majority or neglect of the right of the minority. The application of such a vote would be for the good of the people, preventing further bloodshed and destruction, and alleviating tragedies and suffering. The reason we did not insist on the application of a majority vote at this stage was to allow the United Nations mission a certain amount of flexibility. We hope that the opposition, by taking advantage of the application of consensus, will cease to veto meaningful compromise formulas for resolving issues on which the United Nations special mission will soon conduct negotiations.

Secondly, the normal political process for resolving issues, especially those with roots that go beyond internal factors, can be vulnerable at any stage. This requires the United Nations to be vigilant about foreseeing the appropriate guarantees and precautionary measures needed to ensure the smooth conduct of the different phases of the political process.

The Islamic State of Afghanistan, for its part, would like to assure the United Nations that the Afghan people and its military forces will stand behind the Organization at every stage of the process, especially during the transfer of power, by taking appropriate precautionary measures to avoid any military sabotage or plot to derail the peace process.

As far as the United Nations role in this matter is concerned, we would like to see a strong commitment to standing firm until the entire peace process is completed. We do not want to see Kabul turn into another Bihac.

I should like briefly to state the position of my delegation with regard to the observations and recommendations contained in paragraphs 75 to 81 of the report of the Secretary-General (A/49/688), as reflected in the operative part of the draft resolution before us today.

The Islamic State of Afghanistan would be happy to discuss every dimension of the proposals and the recommendations of the special mission. Many issues indeed may emerge in the implementation of the step-by-step political process, and these will have to be solved on the ground.

The Islamic State of Afghanistan supports the phases referred to in paragraphs 2 and 3 of the draft resolution pertaining to an immediate and durable cease-fire. It is even ready to support the assignment of a cease-fire monitoring group composed of both Afghan and international monitors. The Organization of the Islamic Conference has expressed its readiness to assist Afghanistan in this particular matter.

As reflected in paragraph 2 of the draft resolution, the Islamic State of Afghanistan is in favour of establishing an Authoritative Council, rightly defined in the draft resolution as broad-based. This Authoritative Council therefore must indeed be broad-based. It must not be confined to the representatives of the political parties. The Islamic State of Afghanistan firmly believes that 18 persons — two from each of the nine parties — together with 10 independent Afghan persons who do not belong to the parties, as well as representatives of all provinces of Afghanistan — two delegates from each province, elected by the provincial councils — must actively participate in the Authoritative Council. Such a composition would allow all segments of the population of Afghanistan to feel that they were truly participating in the work of the Council and involved in making decisions about their own destiny.

Concerning the representation of the parties composing the Authoritative Council, let us note that only nine parties recognized during the 14 years of struggle participated in earlier meetings, including the one convened in Jalalabad last year. Recently, new claims have emerged for recognizing another group and making it eligible for membership in the Authoritative Council. The majority of the parties that participated in last year's Jalalabad meeting do not, however, recognize the legality of such claims, which would only multiply in the future as other groups and factions came forth with them.

The Islamic State of Afghanistan, guided by the views and decisions of the preponderant majority, cannot shoulder the responsibility of accepting any increase in the number of the parties allowed to take part in the Authoritative Council. Such an increase could be made only in the light of a legislative text on political parties enacted by a future legislative body, specifying standards and criteria for accepting new political parties, including the procedure for such acceptance.

Regarding the idea of establishing a national security force, referred to in paragraph 2 (b) of the draft resolution, the Islamic State of Afghanistan would like the General Assembly to be aware of the practical difficulties involved in implementing this idea. We strongly believe that an order of priority should be established in the step-by-step implementation of the peace process. The most urgent and key issue is the establishment of the Authoritative Council, as is set out in paragraph 9 of the Secretary- General's report and paragraph 2 of the draft resolution under consideration. The establishment of a transitional government should be the second step. It is only then that the question of the creation of a national security force could be considered by the transitional government, with the approval of the Authoritative Council.

The Authoritative Council, as the supreme executive body, would decide on the genuinely neutral character of such a force. We wish to emphasize that this force cannot be established before the Authoritative Council is established. We wish to place on record the need to respect the chronological order of the peace process, a task which is expected to be performed by the special mission in cooperation with the Islamic State of Afghanistan and other parties involved.

Afghanistan firmly believes in the necessity of establishing a transitional government, the task of which has been elaborated in the report and in the draft resolution. As far as the duration of this transitional government is concerned, the Islamic State of Afghanistan would be flexible.

To allow the political process to consolidate, President Rabbani, in a message read out before this General Assembly by Mr. Lafraie, Minister of State for Foreign Affairs, announced his readiness to transfer power to a responsible and legitimate authority. The details of the views of the Islamic State regarding the peace process are to be found in a declaration dated 1 November 1994, issued as Security Council document S/1994/1277 of 11 November.

A strong desire on the part of the majority of forces and parties in Afghanistan leads us to be optimistic about Ambassador Mestiri's forthcoming negotiations inside Afghanistan on the implementation of the renewed

mandate he will be receiving with the unanimous adoption of the draft resolution under consideration.

Turning to the reconstruction efforts, it is a matter of satisfaction to my delegation to see that the progress report of 1 July and the current report of the Secretary-General both emphasize the existence of a consensus that a major international effort is needed to assist in the reconstruction of Afghanistan as integral to establishing a sustainable peace process. We are happy to see that the notion of peace first and reconstruction assistance second, which brought suffering to civilians and set-back the peace process itself, is no longer an issue, and that there appears to be a general agreement on the immediate initiation of reconstruction efforts in areas of the country where peace prevails.

The identification of a range of projects suitable for immediate implementation and attractive to donors, with an estimated value of $105 million, as set forth in the annex to the report, is a preliminary step towards generating donor confidence in and support for the overall peace process. We are sure that the proposed projects will enjoy the full support of the international community. The Islamic State of Afghanistan is hopeful that urgent and increased attention will be paid to the re-establishment and rehabilitation of medical and educational systems in the country.

Last but not least, I refer to the need of our suffering people and war-torn country for emergency humanitarian assistance. We strongly believe that the world community should view emergency humanitarian assistance to the inhabitants of the troubled areas of the globe as immune from political considerations. The fundamental human rights and the integrity and dignity of persons — to the preservation of which we have all committed ourselves in the Charter of our Organization and in human rights documents — are being violated in Afghanistan as a result of the prolonged war and its manifestations. Can we expect a child to enjoy human rights when he is being shelled by rockets, sleeping in hunger and weak from malnutrition, or a father who is searching in frustration for a loaf of bread to feed his family but unable to afford it.

The Afghan nation sincerely expects the world community to respond in a positive way to the renewed appeal of the United Nations Secretary-General for $106 million for one year's emergency humanitarian assistance. The return of peace and the reconstruction of our shattered homeland is our primary task, but we cannot do it without the Assembly's support.

In conclusion, I should like to express my delegation's gratitude and thanks to the Permanent Representative of Germany, who was kind enough to introduce the draft resolution on behalf of the European Union.

Mr. Abdellah (Tunisia) (*interpretation from French*): My delegation, which has the honour of being one of the sponsors of the draft resolution before our Assembly today, warmly thanks the Secretary-General of our Organization for the comprehensive report he has submitted under the agenda item on emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan.

The phases outlined by the Secretary-General within the framework of the tireless efforts he has been making since the adoption of resolution 48/208 of 21 December 1993 illustrate the earnestness, perseverance and selflessness with which our Organization has addressed the Afghan question. The Secretary-General's special representative in Afghanistan, Ambassador Mahmoud Mestiri — whose experience, competence and sense of duty have strengthened the authority and credibility of the United Nations in the eyes of the belligerents — has striven in recent months to initiate a process of political reconciliation that will help to promote peace and the reconstruction of this country, ravaged by many years of civil war.

As a member of the Ad Hoc Committee on Afghanistan of the Organization of the Islamic Conference (OIC), Tunisia has made continuous efforts within the framework of the OIC, on the bilateral level and in other forums to bring home to the international community and the various Afghan parties the need to settle the conflict. Apart from having claimed thousands of innocent victims to date and destroyed the country's entire civilian infrastructure, the civil war is undeniably a threat to regional peace and security, has provoked external intervention and interference and is spreading in a way that must be contained.

In this context, my delegation welcomes the statement of the Security Council at its 3474th meeting, on 30 November, reporting the acceptance by the warring parties of a step-by-step process of national reconciliation through the establishment of a fully representative and broad-based Authoritative Council, which would negotiate and oversee a cease-fire, establish a national security force to collect heavy weapons and provide for security throughout the country, and form a transitional

government to lay the groundwork for a democratically chosen government, possibly utilizing traditional structures such as a "Grand Assembly".

Moreover, it is on this basis that the Secretary-General pointed out in his report that any progress in the Afghan conflict will depend on the early establishment of the authoritative council, which would be:

> "a test of the commitment of the Afghan leaders to the peace process, upon which the international community's readiness to continue its peacemaking efforts in Afghanistan will depend". (*A/49/688, para. 76*)

My delegation therefore encourages all the Afghan parties to speed up the process of national reconciliation so as to enable the United Nations to proceed with its support for the reconstruction efforts which the country so desperately needs and to help the Afghan people to enjoy the dividends of peace.

While applauding the action of the bodies of the United Nations system, such as the United Nations Development Programme, (UNDP), the United Nations Children's Fund, (UNICEF), the World Health Organization (WHO), the World Food Programme (WFP), the United Nations International Drug Control Programme (UNIDCP), the International Labour Organization (ILO) and the Office of the United Nations High Commissioner for Refugees (UNHCR), and the various non-governmental organizations which are operating in the country and are making laudable efforts, sometimes under very precarious security conditions, we urge Member States and the international financial institutions to respond generously to the appeals for funds to finance humanitarian and development activities. We are convinced that, if they are to be successful, political efforts made by the United Nations must enjoy the economic and financial support of the international community.

In addition to efforts to reconstruct what has been destroyed by war, and to initiate the development programmes needed for economic recovery, there is another fundamental aspect — aid for mine clearance — which should command the special attention of the international community. The indiscriminate laying of land mines throughout the country close to crossing points and on the outskirts of urban settlements has considerably worsened the already precarious situation of the civilian population, threatens humanitarian convoys and represents a danger for the refugees who, to the satisfaction of the Secretary-General, are starting to come back to their country, encouraged by the hope of finally setting up their homes there again.

There can be no doubt that international action for Afghanistan hinges upon the willingness of the Afghan parties fully to acknowledge the tragedy taking place in their country and immediately to take urgent steps to implement the recommendations in the report of the Secretary-General.

Mr. Batu (Turkey): At the outset, I should like to commend the Secretary-General for the comprehensive report he has submitted in document A/49/688 of 22 November 1994, on the overall situation in Afghanistan, the implementation of the emergency humanitarian assistance programme in that war-stricken country and the work of the United Nations special mission.

We would also like to express our gratitude and full support for the tireless efforts of the United Nations special mission to Afghanistan, led by Mr. Mestiri.

More than two years have gone by since encouraging changes took place in the political situation in Afghanistan. The establishment of an interim government in Kabul at that time had brought us hopes that at long last all Afghans would put aside their differences and start the process of reconciliation. We had hoped that a broad-based reconciliation process including all groups could start. However, to our great dismay, armed conflict has resumed, causing heavy casualties, the total devastation of the economic infrastructure and a deepening refugee crisis affecting not only Afghanistan but also neighbouring countries of the region.

The continuing hostilities not only have created humanitarian problems of outstanding proportions, but have also endangered the process of political normalization. We therefore once again appeal to all parties to the conflict, especially the leaders of the warring parties, to agree on an immediate cease-fire and to support the special mission's efforts to facilitate the process of national *rapprochement*. We believe this would also allow for steady progress in the reconstruction and rehabilitation of the devastated country.

We attach great importance to the unity and territorial integrity of Afghanistan. In this respect, we fully support the United Nations special mission's wide-ranging consultations with Afghan parties and its

proposals for bringing an end to the factional fighting, setting in motion the process of political reconciliation and embarking on the challenging task of the rehabilitation and reconstruction of Afghanistan.

We therefore welcome the acceptance by the warring parties and other Afghan representatives, as noted in the Secretary-General's report, of a step-by-step process of national reconciliation through the establishment of a fully representative and broad-based Authoritative Council.

Turkey is co-sponsoring the draft resolution entitled "Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan" which is before the General Assembly. Our thanks and appreciation go to the German delegation in particular and other interested delegations in general which have been closely involved in the drafting of this resolution. In this respect, we strongly support the appeal in paragraph 6 to all Member States to provide all possible financial, technical and material assistance for the repatriation and settlement of Afghan refugees and displaced persons and for the reconstruction of Afghanistan. The international community should actively respond to the Secretary-General's appeal for humanitarian assistance to Afghanistan by generously contributing to the Fund set up for this purpose. I should also like to take this opportunity to commend all relevant United Nations agencies taking part in the emergency humanitarian assistance programme for Afghanistan and for their strenuous efforts to remedy the humanitarian situation in that country, as well as to help resolve the refugee issue.

On the basis of the close historical and cultural bonds existing between Turkey and Afghanistan, we will continue to shoulder our responsibility to promote peace and prosperity in Afghanistan. We therefore reiterate our support for the draft resolution before us, and hope that it will be adopted by consensus as a manifestation of international solidarity in assisting the people of war-torn Afghanistan.

Mr. Kawthar (Saudi Arabia) *(interpretation from Arabic)*: I should like to inform the General Assembly that Albania, Egypt, Pakistan and Portugal have become sponsors of the draft resolution contained in document A/49/L.45.

The issue of the brotherly country of Afghanistan has been and continues to be of great interest to the Kingdom of Saudi Arabia. Saudi Arabia continues to provide assistance to the people of Afghanistan as it did throughout their heroic struggle. The situation as it exists now and as it has been over the past two years is cause for great concern. However, we are hopeful that with the assistance of the international community, under the aegis of the United Nations, the people of Afghanistan will soon find a peaceful solution to the conflict that is ravaging their country, and will turn their attention to the rebuilding of Afghanistan. The Kingdom of Saudi Arabia will stand shoulder to shoulder with them in their quest for peace and reconstruction.

In the light of the foregoing, we are pleased to be a sponsor of the draft resolution presented by Germany entitled "Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan". The Kingdom of Saudi Arabia believes that this draft resolution would, if adopted, provide the best solution to the political and economic problems facing Afghanistan today. This may indeed be the last such opportunity to help the people of Afghanistan out of the plight that now besets them.

The Kingdom of Saudi Arabia strongly supports the United Nations special mission to Afghanistan under the leadership of Ambassador Mahmoud Mestiri. We are also grateful for the efforts of the United Nations Secretary-General in respect of Afghanistan, and we support his recent report on the subject.

The Security Council presidential statement of 30 November 1994 also meets our expectations. We are encouraged by the Council's reaffirmation of its

> "readiness to assist the Afghan people in their desire to achieve peace and tranquillity in their country." *(S/PRST/1994/77, p. 2)*

The Security Council should indeed continue to support the efforts of the United Nations special mission to Afghanistan and should keep the situation under constant scrutiny.

We hope that the draft resolution will receive wide-ranging support, both in word and in deed, at the United Nations. We wish our Afghani brothers security and prosperity. We hope that they and their leaders will help Ambassador Mestiri in carrying out his mission and achieving the goals that the Afghans themselves aspire after.

Mr. Ahsen (Pakistan): My delegation is thankful for the efforts made by the Secretary-General to secure the implementation of resolution 48/208, entitled

"Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan". These efforts reflect the seriousness with which the Secretary-General views the prevailing situation in Afghanistan. We should also like to express our appreciation for the work done by the Secretary-General's Personal Representative, Mr. Sotirios Mousouris.

I have the honour of announcing that my delegation has become a sponsor of draft resolution A/49/L.45.

It is evident that the international community, and especially the friends of Afghanistan, must collaborate in assisting that war-torn country to build its way back to a stable political and economic environment that is conducive to the betterment of the Afghan people. The Afghan nation has suffered a great deal. Its people are tired of the conflict and want a return to peace.

My delegation would like to congratulate the special mission, led by Ambassador Mahmoud Mestiri. Its gives an important insight into the situation prevailing in Afghanistan.

The destruction in Afghanistan caused by 14 years of cruel war and by the intensification of the fighting in Kabul and elsewhere in the country since January 1994 is difficult to imagine. Of a population of 15 million, over 6 million fled the country during the war and sought refuge, mainly in Iran and Pakistan, but also in other parts of the world. A further 2.5 million were internally displaced. At present nearly 200,000 internally displaced people in camps near Jalalabad are bracing themselves for a severe winter. This magnitude of human suffering is without precedent.

Now that the foreign occupiers have left, the world's attention seems to have turned elsewhere. The people of Afghanistan are left to address the gigantic task of rehabilitation and national reconstruction. This task is indeed monumental. The special mission found a strong feeling among the Afghans

> "that the international community and the United Nations had deserted Afghanistan for the past two years." *(A/49/208, para. 23 (g))*

The findings of the mission and the implementation of its recommendations will go a long way towards assuring the people of Afghanistan that the international community has not forgotten their plight.

The report of the special mission points out that the effect of the war is being felt throughout the country, spreading instability to various regions. The social fabric and economic life in Afghanistan have been devastated, institutions and the physical infrastructure having been completely destroyed. Health, education and other services are virtually inoperative. Unemployment, poverty, malnutrition, deprivation and disease afflict most of Afghanistan's 17 million people, of whom 15 per cent are displaced, homeless or destitute in the middle of a long and difficult winter.

The presence of land-mines has been indicated as one of the major obstacles to the successful repatriation of the Afghan refugees. According to the report of the special mission, there are in Afghanistan 456 square kilometres of mine-fields, of which 113 square kilometres have been given high-priority classification for clearance.

Nearly 400,000 people have been disabled, mainly due to the 10 million mines that are reported to have been laid in Afghanistan. The effect of these mines on the civilian population, especially small children, is heart-rending. The mine clearance programme of the United Nations Office for the Coordination of Humanitarian Assistance in Afghanistan is therefore of critical importance from the point of view not only of the personal security of the Afghan returnees, but also of the rapid return of refugees, as well as the revival of the local economies in Afghanistan. We urge the donor community to contribute generously towards this programme, which reportedly will take another four or five years to complete all its work.

Pakistan has always been a firm supporter of all endeavours to establish peace and normalcy in Afghanistan. It is heartening to note that Ambassador Mestiri's special mission started its work in Quetta, the capital of Pakistan's province of Baluchistan. The Quetta process set in motion a participatory process to which all Afghan leaders contributed and which has led to some important recommendations.

The suffering of the Afghan people need not be prolonged by mindless conflict and violence. It is now time to make a sincere and serious effort to promote peace in this war-torn country. We urge the various Afghan factions to put aside their rivalries and, in the interests of preventing further loss of innocent life, embark upon a meaningful path of reconciliation amongst themselves. Prolongation of the conflict will only serve to perpetuate the miseries of the Afghan people, with

whom the Government and the people of Pakistan have ancient ties of brotherhood.

With regard to humanitarian assistance, it is evident from the consolidated appeal launched by the Department of Humanitarian Affairs a few weeks ago that there is an urgent need for such assistance to Afghanistan. While assistance for the economic reconstruction of Afghanistan is of great importance, the critical needs of the internally displaced people near Jalalabad and the refugees that continue to stay in camps in Pakistan and Iran should be urgently met by the international community.

The nations of the world invested heavily in the long and bloody conflict in Afghanistan. The outcome of that war was described as a triumph for the free world. While the responsibility for establishing peace rests with the Afghans themselves, it would be tragic if the economically battered Afghan nation was left to fend for itself. The world community is morally obligated to respond with generosity to Afghanistan's plight. We sincerely hope that the international community will respond swiftly and decisively to the consolidated appeal so that the people of Afghanistan are enabled to intensify their efforts to rebuild their shattered lives and restore the heavily damaged national infrastructure.

Mr. Kharrazi (Islamic Republic of Iran): The situation in Afghanistan and the ongoing hostilities in that neighbouring country of ours continue to be a source of grave concern to the Islamic Republic of Iran. We rejoiced with the people of Afghanistan over their victory and the establishment of an Islamic State in that country in 1992. However, the ensuing fighting among different factions inside Afghanistan has not only resulted in the martyrdom and injury of many innocent Afghans but has also prevented the reconstruction of that war-stricken country.

Since the beginning we have called for respect for Afghanistan's sovereignty, territorial integrity and independence and non-interference in the internal affairs of that brotherly Muslim country. We have called for the cessation of hostilities and sought ways and means to achieve a lasting cease-fire between the warring sides in Afghanistan. Dispatching high-level delegations to Afghanistan to canvass the positions of all factions and inviting them to talk to each other rather than fighting have been in line with our main objective, which is to bring peace and normalcy back to Afghanistan. The Islamic Republic of Iran has also been cooperating with the peace initiatives of neighbouring countries, the Organization of the Islamic Conference (OIC) and the United Nations.

Cognizant of the complexity of the situation in Afghanistan and familiar with the positions of different factions, we are of the firm view that only through the establishment of a representative council encompassing all Afghan factions can one hope for an early peaceful settlement of the crisis through the holding of free and fair elections throughout the country.

The ongoing proximity talks in Tehran under the auspices of the OIC and with the participation of the United Nations attests to the fact that the Islamic Republic of Iran seizes every opportunity to bring all Afghan sides together in order to arrive at a negotiated settlement. It is in this spirit that we have welcomed and cooperated with the mission of Ambassador Mestiri of the United Nations in this important and difficult endeavour. Ambassador Mestiri has the full support of the Government of the Islamic Republic of Iran in his efforts in bringing about a national *rapprochement* in Afghanistan.

The necessity of coordination between all efforts aimed at restoring peace and normalcy in Afghanistan need not be emphasized. We should enhance the existing level of coordination between the efforts of the United Nations, the OIC and the neighbouring countries.

The country, mired in 15 years of foreign occupation and civil war, has lost a great opportunity for development. The magnitude of the destruction and bloodshed is incredible. Most of the infrastructure, such as roads, bridges, irrigation systems, farms, industries, schools and hospitals, has been destroyed. More than 1 million people have been killed and over 2 million disabled, and nearly 8 million people either took refuge in neighbouring countries or were internally displaced.

Since 1980 the Islamic Republic of Iran has been hosting 2.5 million Afghan refugees. We have received and protected these refugees with a very high standard of treatment based on our Islamic humanitarian and international commitments. However, the international assistance and contributions for these refugees have been marginal and not commensurate with the size and magnitude of refugee problems in the country. The situation is similar with regard to the repatriation of Afghan refugees, which started in 1992.

There are still 1.7 million Afghan refugees in Iran. There is an urgent need for international assistance in order to be able to plan the repatriation operation comprehensively and from all its various aspects,

including adequate assistance for reintegration facilities for returnees and the development of socio-economic infrastructures of Afghanistan as a whole.

Unfortunately, since the outbreak of hostilities in Kabul in January 1994, as a result of unabated shelling and street fighting about 7,000 people have lost their lives and 21,000 more have been seriously wounded. At the same time, half a million people have fled the capital. At present, 1 million residents of the city are stranded between warring factions.

Against this background, the restoration of essential services, revival of local economies, resettlement of refugees, and de-mining are but some of the onerous tasks that cannot be accomplished without international cooperation. In this respect, the consolidated inter-agency appeal for emergency humanitarian assistance of October 1994 highlights how some modest international support has led to the resettlement of 2 million refugees over a period of two years, the clearing of over one third of priority mined areas and the feeding of almost 1 million people. Given the acute situation of the country, we sincerely hope that the recent consolidated appeal launched by the Secretary-General, which addresses specific needs of the Afghan people for the winter and summer seasons, will receive adequate attention from the donor countries.

We for our part have provided fuel, food and non-food assistance to the people of Afghanistan on an ongoing basis, and that task will continue to be pursued with devotion. Just a few weeks ago the Islamic Republic of Iran, along with the Afghan Ministry of Health and the World Health Organization, initiated a vaccination plan for Afghan children with 8 million doses of vaccines. With the help of the Islamic Republic of Iran, the plan will be implemented throughout Afghanistan.

Let me now turn to the overall question of international humanitarian assistance. Two years have elapsed since the establishment of the United Nations new international emergency-assistance arrangement. A thorough examination of the experiences learned and the prevailing international situation can help us to probe ways and means of enhancing the system's response capacity.

At present the world is facing an unprecedented increase in both the number and the magnitude of complex emergencies and natural disasters. As the Secretary-General notes in his report, today, while more than 30 million people in 29 countries are in dire need of emergency assistance, over 20 million more in sub-Saharan Africa are threatened by severe drought. At the same time, the tasks of resettling refugees and internally displaced persons, demining and demobilization have imposed onerous pressures on the resources available for relief operations.

In the light of such new challenges, and to guarantee the effectiveness of the system's response capacity, the following points should be carefully addressed.

First, the success of international measures hinges to a great extent on the principle of the humanity, neutrality and impartiality of emergency assistance. Every attempt should be made to rid assistance of political incentives. In addition, there is a need to establish a line of communication between the emergency relief coordinator or his special envoy and the parties to a conflict in order to convince them that the humanitarian operation is not political in nature. In this respect I should like to emphasize the importance of the provisions of paragraph 27 of General Assembly resolution 48/42, which calls for full consultation with the emergency relief coordinator in the overall planning of a peace-keeping operation with a humanitarian component. It goes without saying, however, that there should be a distinct division of responsibility between humanitarian and peace-keeping operations, in order to preserve the neutrality and impartiality of relief activities.

Secondly, lack of coordination between resident coordinators and special coordinators of the United Nations Development Programme (UNDP) can sometimes give rise to peculiar problems at the field level. Ability to fulfil humanitarian mandates in conflict situations is an issue of most serious concern to humanitarian organizations. We therefore believe that in developing rapid-response procedures and teams to support affected countries the Inter-Agency Standing Committee should also focus on preparing working guidelines to clarify the mandates of all who work at the field level, including the mandates of the special coordinators and UNDP resident coordinators.

Thirdly, in the case of natural disasters, preventive measures are more cost-effective. Given the death toll and destruction caused by sudden-onset natural disasters, there is a need for more concerted international actions in contingency planning, preventive and preparedness measures and early warning to reduce the catastrophic consequences of natural disasters. In recent years the international community, heavily preoccupied with complex emergencies, has unfortunately paid less

attention to the human suffering of the victims of natural disasters.

The World Conference on Natural Disaster Reduction held at Yokohama from 21 to 27 May 1994 provided us with an opportunity to address the question of national and local disaster programmes more comprehensively. One of the most outstanding achievements of the Conference, to which the Islamic Republic of Iran fully subscribes, is the call for a wider awareness and political commitment among policy makers to enhance international cooperation in disaster management.

Most often, the momentum to render assistance to affected countries fades at the relief stage and only a small portion of disaster losses are, as a result, redressed. The international financial institutions should therefore play a more dynamic role in mobilizing the necessary financial resources to ensure a continuum from relief to development. Meanwhile, more efforts should be made to explore the potential of military and civil-defence assets to provide support to peace-time emergency relief operations. Promotion of the Oslo Guidelines, especially through training and field exercises, is of great importance.

Fourthly, we recognize the need for the prioritization of relief requirements. However, this exercise should not be at the expense of the necessary requirements for rehabilitation and development or cause any delay in the urgent supply of critical items to the victims.

Fifthly, the severe shortfall in financial resources continues to imperil the implementation of humanitarian programmes. Statistics indicate that there is a wide gap between the requirements and the contributions made to various relief programmes. To highlight the problem, it is worth nothing that, according to the Secretary-General, although assessed humanitarian requirements for the period mid-1992 to the end of 1993 have risen by 28.83 per cent, contributions have increased by only 8.5 per cent. The situation of the Central Revolving Fund is another matter of concern. From the beginning of negotiations on the Fund's objectives and ceiling we have repeatedly stated that $50 million would not be sufficient to meet the increasing demands for humanitarian assistance worldwide. Nevertheless, despite various initiatives launched by the Department of Humanitarian Affairs to expedite the reimbursement process, the Fund faced a dangerous situation earlier this year. The total available resources of the Fund were no more than $4 million, which could not even respond to the initial requirements of one major emergency. This year, therefore, drawing on the lessons learned from our experiences of the past two years, we should reach agreement on a new ceiling that could secure the viability and effective functioning of the Fund.

Sixthly, we welcome the attempts made by the Secretary-General in his report to elaborate on the positive role of regional emergency stockpiles in facilitating a cost-effective response to sudden emergencies. However, the report falls short of providing action-oriented recommendations.

Mr. Singh (India): I take the floor with a heavy heart as we once again consider the question of "Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan". The title of the agenda item spells out the crucial objectives that must be achieved. It also suggests that what has been done so far is woefully inadequate. What is happening in Afghanistan is nothing short of a profound human tragedy.

The end of the cold war has not, contrary to expectations, brought Afghanistan any closer to peace. India has traditional and historical ties of friendship with Afghanistan and its people. Geographical and cultural proximity have cemented the bonds between us over centuries of interaction. The continuing violence and the unsettled political conditions in Afghanistan are, therefore, a matter of profound concern for my country.

Several attempts have been made in recent years to restore peace in Afghanistan so that the pressing tasks of national reconciliation and the reconstruction of a shattered and war-ravaged economy can commence in earnest. Regrettably, political stability has continued to elude Afghanistan. More than 12,000 people are reported to have perished in the clashes since April 1992. The toll, in terms of human lives, displaced persons, infrastructure and resources, is immeasurable. The incessant rain of rocket attacks, shelling and aerial bombardment continues unabated. The unsettled conditions in Afghanistan have a direct and adverse fall-out on peace and security in the region. My country is also directly affected by these upheavals.

Mr. Abdellah (Tunisia), Vice-President, took the Chair.

India believes that the most pressing need of the hour is a political settlement taking into account the wishes of all sections of the Afghan people, without any form of external interference. In this context, there must

be an immediate cessation of foreign interference in the internal affairs of Afghanistan.

India strongly supports the tireless endeavours of my friend Mahmoud Mestiri, head of the special mission of the United Nations, to forge a political consensus among the Afghan people and to work towards the creation of a political structure acceptable to all segments of Afghan society and a durable nation-wide cease-fire. Mahmoud Mestiri is a balanced and mature diplomat of vast experience and the Secretary-General could not have chosen a better individual to head this mission. Without an early return of peace, there can be no progress towards an early overall settlement in Afghanistan.

The people of Afghanistan continue to suffer untold misery and hardship. It is no longer fashionable to focus on their plight. But focus on it and provide succour we must. The other urgent requirement, thus, is that of providing humanitarian assistance to Afghanistan. India has an abiding concern for the welfare and prosperity of the Afghan people. We have always been ready to contribute to the reconstruction of Afghanistan in the fullest possible measure. This has been our tradition. Most recently, for example, during 1992, India supplied relief items worth Rs 15 million through various programmes of the United Nations. In addition, as part of our bilateral commitment to Afghanistan, we supplied essential items, medicines and medical equipment worth Rs 47 million. During 1993 and 1994 we have provided tea and medicines worth Rs 14 million under United Nations programmes. We have recently also delivered consignments of tea, valued at Rs 4.5 million, as bilateral assistance.

India has consistently stood for a political settlement in Afghanistan, a settlement that reflects the aspirations of the Afghan people and arrived at by the Afghans themselves. India has always strongly supported the unity, stability, independence and non-aligned character of Afghanistan. We will continue to strive to achieve these objectives.

Mr. Hakim (Bangladesh): My delegation is pleased to have the opportunity to speak on agenda item 37 (e), entitled "Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan".

The year 1994 has been a time of trial and flux for the people of Afghanistan. The flickering hope of a smooth transition from the decade old hostility to a durable peace received a setback when the capital, Kabul, came under bombardment on New Year's Day. Unfortunately, despite efforts to arrest the violence, the internecine fight in and around the city continues. Kabul has remained tense for the last 11 months, and the security situation is still volatile there. The country still appears to be polarized along partisan lines.

Bangladesh has traditionally maintained close and friendly ties with the people of Afghanistan, and firmly stood behind them during the period of their struggle against foreign aggression and occupation. Obviously, we are anguished at the renewed cycle of violence that is taking place in Afghanistan at this time. Our concern continues over the lack of accord necessary for the country's recovery from the legacy of confrontation and chaos and the suffering and misery brought to the millions by the ongoing fratricidal fight. South Asia, including Bangladesh, eagerly awaits the negotiation and consolidation of peace, as uncertainty in Afghanistan impacts on the region as a whole.

The United Nations has remained actively involved in promoting political reconciliation and economic reconstruction since the new Government took power. The current report of the Secretary General lucidly summarized the efforts made by the United Nations to persuade the parties and personalities in Afghanistan of the urgency of finding an acceptable framework to resolve the problem. This report underscores the initiatives taken by United Nations agencies to organize the repatriation of Afghan refugees and the necessary reconstruction and rehabilitation measures, along with recommendations for future action. My delegation finds the report very useful in understanding the complex dynamics of Afghan policies and the work that lies ahead to bring the country out of the present crisis.

The root of the problem in the past arose from outside interference in Afghanistan's internal affairs. With that removed, the fundamental expectation was that the people could decide their destiny through their own free choice. It is of some concern that external influence still persists in Afghanistan through various means, with a view to influencing the course of events in this war-ravaged country. Bangladesh, therefore, reiterates its call for full respect for Afghanistan's sovereignty and territorial integrity. It also urges that no step be taken that might hinder national reconciliation. We fully support the call the President of the Security Council made on 11 August and 30 November 1994, urging all States to halt the supply of weapons to the parties involved in the Afghan conflict.

At the same time, we endorse the call addressed to all parties and personalities, and to the people of Afghanistan fully to cooperate with the special mission of the Secretary-General, which, *inter alia*, has recommended working out a formula of national reconciliation through the establishment of a representative council with the authority to ensure a durable cease-fire and a complete cessation of hostilities throughout the country, and through the creation of a security force for Kabul. That force could subsequently be transformed into a national defence force. The formation of a transitional government to which the current Government could hand over power is the next logical step.

My delegation is encouraged by the emerging signs of progress made during the meeting of Ambassador Mahmoud Mestiri, Special Representative of the Secretary-General, with Afghan leaders of various parties during his visit to Afghanistan in September and October this year. We also welcome the Secretary-General's continuing efforts to forge an understanding among the Afghan leaders with a view to working out a viable formula for a political settlement. The Bangladesh Government also endorses the constructive initiatives taken by the Special Representative.

The Bangladesh Government considers the proposal of Secretary-General to establish an office in Afghanistan for coordinating the efforts of the United Nations to be a positive step. We are sure that this move would send a positive signal of the enduring commitment of the United Nations to help the Afghans in resolving their national problems. For our part, we stand ready to extend all support to efforts of the Secretary-General that would contribute to strengthening the forces of moderation and reconciliation in Afghanistan.

Any sustainable peace in Afghanistan will require substantial regeneration of economic activity, which could begin with massive rehabilitation and reconstruction work. My delegation is pleased to note the commendable efforts made so far by the various agencies of the United Nations to arrange the repatriation of Afghan refugees from Pakistan and Iran and the rehabilitation of internally displaced persons. The report of the Secretary-General has clearly outlined the reconstruction projects being implemented under the active supervision of United Nations agencies. Generous support from the international community is required to sustain the ongoing reconstruction programmes of the United Nations in Afghanistan.

Given the fragile ground situation in Afghanistan at this time,the United Nations remains the only hope for facilitating and consolidating the much needed national reconciliation of the Afghan people. My delegation remains optimistic that the United Nations through its special mission in Afghanistan will be able to assist the Afghan people to steer the country out of the current impasse.

We would like to conclude by underlining the urgent need for enduring commitment on the part of the international community to provide emergency humanitarian assistance and other material and financial support to Afghanistan for making peace an attractive alternative to conflict and chaos.

Mr. Inderfurth (United States of America): The United States is pleased to co-sponsor the resolution on Afghanistan. This is a balanced resolution. It provides a rationale for emergency humanitarian assistance to the people of Afghanistan; and it sets forth an appropriate underpinning for peacemaking efforts of the United Nations special mission, authorized by this Assembly one year ago.

During the past year, my Government has made clear its concern about the upsurge in fighting among the warring Afghan parties. These "indiscriminate attacks", as the draft resolution calls them in its ninth preambular paragraph, have caused grievous suffering and death to innocent Afghan men, women and children. During the first nine months of 1994, the International Committee of the Red Cross estimated that rocket and artillery attacks among rival Afghan warlords caused at least 7,000 deaths and more than 80,000 injuries in the capital, Kabul, alone. In addition, more than 200,000 innocent civilians are estimated to have been displaced within the city, many of them living in substandard conditions and facing severe hardship, even starvation, this winter.

The humanitarian dimensions of this tragedy are such that just last week my Government issued a declaration that a state of emergency existed in Kabul. Without emergency assistance, further suffering and loss of life are not simply probable, but inevitable. Under United States law, our disaster declaration triggers the allocation of additional United States funding which will go directly to international relief organizations for emergency aid to Afghans trapped in the capital region. We hope that other Governments will join us in responding to this urgent humanitarian need.

But the situation is not without hope. My Government is pleased to take note of the Secretary-

General's report to the General Assembly on the progress made by the United Nations special mission to Afghanistan under the able guidance of Ambassador Mahmoud Mestiri. We are particularly pleased that the special mission has developed a promising momentum towards peace as a result of the September-October meetings held in Quetta, Pakistan. Those meetings forged a noteworthy consensus on a staged plan that could lead to full national political reconciliation. In its initial stages, the plan calls for the organization of an Authoritative Council, which would oversee a cease-fire and the creation of a neutral security force. These simple but important first steps would be the basis for the re-establishment of a broad-based, fully representative Government in Afghanistan.

But the plan recommended in Quetta can bring peace to Afghanistan only if, first, trust can be re-established among the Afghan people and their leaders and, secondly, the interested Governments within and outside the region are willing to back the work of the United Nations special mission.

My Government joins in the draft resolution's call on the Afghan people, especially the leaders of the warring parties, to put an end to their destructive conflict and to cooperate with the special mission as it returns to the region later this month. Instead of pursuing their fruitless quest to achieve power by force of arms, the leaders of the warring parties should agree to devote their energies to the search for peace. If they choose to work with the special mission as it elaborates its proposals, they can build an irreversible momentum away from war and towards peace.

The draft resolution we join in sponsoring also calls on all Governments, particularly those in the region, to put their full weight behind the special mission's plan. It is no secret that the prolongation of the war in Afghanistan derives in large part from outside financing or provision of warmaking supplies to one or another favoured faction. And it is no exaggeration to say that the continuation of this situation is a recipe for disaster. As a spokesman of my Government stated on 27 October, Governments concerned about Afghanistan should channel their assistance for Afghanistan's development and reconstruction through the United Nations rather than providing funds or weapons to the warlords.

It is time for our Governments to work together to put an end to the fighting in Afghanistan and devote our efforts to peace. We call on all States of this Assembly to fully back the work of the United Nations special mission and to recognize its primary role in the peacemaking process.

Peace in Afghanistan, however difficult and elusive that aim may be, is a worthy end in itself. But peace in Afghanistan can also help promote peace, harmony and prosperity in the wider region of Central and South Asia. These goals are worthy of our best efforts.

The President (*interpretation from French*): We have heard the last speaker in the debate on this item.

I should like to inform members that action on draft resolution A/49/L.45 will be taken at a later date to be announced in the *Journal*.

The meeting rose at 5.15 p.m.

United Nations

A/49/PV.77

General Assembly

Forty-ninth Session

Official Records

77th Meeting

Tuesday, 6 December 1994, 10 a.m.

New York

President: Mr. Essy ..... (Côte d'Ivoire)

In the absence of the President, Mr. Blandino Canto (Dominican Republic), Vice-President, took the Chair.

The meeting was called to order at 10.25 a.m.

Agenda item 35

Law of the sea

Report of the Secretary-General (A/49/631 and Corr.1)

Draft resolution (A/49/L.47)

The President (*interpretation from Spanish*): I call on the representative of Fiji to introduce draft resolution A/49/L.47.

Mr. Nandan (Fiji): No single subject has more consistently preoccupied the General Assembly throughout its 50 years of existence than the international law of the sea.

This is a very special year for the Assembly as it considers the item "Law of the sea", for it marks the fulfilment of a longstanding aspiration of the Assembly to achieve a universally acceptable set of principles and norms that would govern all uses and resources of the oceans. This is also a year in which, on 16 November 1994, the Assembly saw the entry into force of the 1982 United Nations Convention on the Law of the Sea. It is a year in which the Assembly itself, on 28 July, adopted an Agreement to resolve the outstanding issues relating to the regime for the mining of the deep seabed — part XI of the Convention — paving the way to universal participation in the Convention. Indeed, this is a year in which the General Assembly is witnessing the international community united behind the 1982 United Nations Convention on the Law of the Sea.

As it begins to celebrate its fiftieth anniversary, the United Nations can look back with a sense of accomplishment and pride at its achievement in fostering the rule of law over approximately 71 per cent of the Earth's surface. This is a remarkable achievement by any standard, especially when one looks at it in its proper historical perspective.

The law of the sea, as we know it today, has been more than four centuries in the making. Throughout this period, there has never been such a level of unanimity on what constitutes the law of the sea as there is today. Moreover, there has never been such a comprehensive and universally supported treaty on the law of the sea, a treaty to which so many States are ready to adhere. There are already 67 States that have deposited their instruments of ratification, accession or acceptance. From the indications given by States, this number should be closer to 100 by this time next year.

There have been four major official attempts to codify the rules of the international law of the sea. One was initiated by the League of Nations and the others were initiated in the General Assembly. The latter were

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the First, Second and Third United Nations Conferences on the Law of the Sea. Unfortunately, the Conference convened by the League of Nations in 1930 at The Hague did not succeed in adopting a convention on territorial waters and ended in failure.

Over the past half-century, the General Assembly has played a pivotal role in guiding, shaping and influencing the development of the law of the sea. Immediately after the first election of the International Law Commission (ILC), in 1947, the Assembly mandated the Commission to prepare draft articles in order to codify two very important aspects of law of the sea: the regime of the high seas and the regime of territorial waters. The Commission's report and the draft articles contained in it became the basis of the work of the First United Nations Conference on the Law of the Sea, which was convened in 1958. That Conference succeeded in adopting four Conventions: the Convention on the Territorial Sea and Contiguous Zone, the Convention on the High Seas, the Convention on the Continental Shelf, and the Convention on Fishing and Conservation of the Living Resources of the High Seas.

The one major problem which the 1958 Conference could not resolve was the same as that which had frustrated the 1930 Hague Conference: the breadth of the territorial sea. In a further effort, the General Assembly convened the Second United Nations Conference on the Law of the Sea, in 1960, to deal with this issue and the related question of fishery limits. That Conference also failed to agree on the breadth of the territorial sea and a fishery zone.

These issues, together with a host of related issues and some new ones, such as those concerning the resources of the deep seabed, which were not previously considered became the mandate of the Third United Nations Conference on the Law of the Sea, which the General Assembly took the initiative to convene in December 1973. That Conference concluded its work in 1982, with the adoption of the 1982 United Nations Convention on the Law of the Sea. For the most part, this comprehensive Convention is the result of consensus. The differences which persisted after 1982 related to certain provisions in the regime for the mining of minerals from the deep seabed. Happily, these were resolved with the adoption by the General Assembly on 28 July 1994 of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982.

The General Assembly has considered the law of the sea in one form or other annually since 1967. From 1968 until today the Ad Hoc Committee to Study the Peaceful Uses of the Sea-bed and the Ocean Floor beyond the Limits of National Jurisdiction, the Seabed Committee, the Third Conference, and, from 1983, the Preparatory Commission for the International Seabed Authority and the International Tribunal for the Law of the Sea have successively met in two sessions a year.

That chronology of events shows the importance which the international community has attached to the law of the sea and the persistence with which the General Assembly has pursued it over the past 50 years.

The events which finally led up to the adoption of the 1982 Convention highlight the historical context in which the General Assembly is examining the item on the law of the sea today. It also underscores the importance of the achievement of a goal which had eluded the international community for centuries. Its importance also lies in the fact that the legal regime for the oceans that has been established through the Convention reflects the aspirations of all members of the international community of today. It reflects the aspirations of the major maritime Powers with global interests, as it also reflects the aspirations of small developing countries concerned with their safety and security, control over the resources in their adjacent seas and the health of the marine environment. It responds to the needs of coastal States and it also addresses the needs of landlocked States. The Convention has already become a cornerstone for the conduct of relations on maritime issues among States and it is a major contribution to the maintenance of global peace and security. It represents an outstanding achievement of this Organization.

At this very historic time in the development of the law of the sea, the delegation of Fiji considers it a privilege and an honour to introduce, on behalf of its sponsors, the draft resolution contained in document A/49/L.47 dated 2 December 1994, which was submitted under agenda item 35, entitled "Law of the Sea".

It is significant that this year's draft resolution is sponsored by delegations from all regions of the world. It includes those delegation of States which are parties to the Convention and those of States which are not, and a number of delegations of States which in previous years opposed or otherwise expressed reservations on resolutions on the law of the sea.

My delegation is therefore pleased to introduce the draft resolution on behalf of the following sponsors, in

addition to Fiji: Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Brazil, Cameroon, Canada, Côte d'Ivoire, Cyprus, Egypt, Finland, France, Germany, Guyana, Iceland, Indonesia, Ireland, Italy, Jamaica, Kenya, Malaysia, Malta, Marshall Islands, Mauritania, Mexico, the Federated States of Micronesia, Myanmar, Namibia, the Netherlands, New Zealand, Nigeria, Norway, Paraguay, Senegal, Singapore, Sri Lanka, Sweden, Uganda, the United Republic of Tanzania, the United States of America, Uruguay and Vanuatu. Since the draft resolution was issued, the following States have become sponsors: Comoros, Denmark, Japan, Mauritius, the Republic of Korea, and the United Kingdom.

This draft resolution was carefully examined in open-ended informal meetings, and a broad agreement was reached on all its aspects before it was submitted as an official document. It is a relatively long draft resolution and it is therefore not my intention to deal with every paragraph, since much of it is self-explanatory.

In adopting the draft resolution, the General Assembly would underscore the importance of the Convention and recognize its universal character. It would welcome the adoption on 28 July 1994 of the Agreement relating to the Implementation of Part XI of the United Nations Convention. In this regard, I should mention that for the past several years the General Assembly has urged States to make renewed efforts to achieve universal participation in the Convention by addressing the outstanding issues relating to the regime for the mining of minerals from the deep-sea-bed, which had inhibited a number of States from becoming parties to the Convention.

Under the draft resolution the General Assembly would recall the historic significance of the Convention as an important contribution to the maintenance of peace, justice and progress for all peoples of the world. It would also recognize the entry into force of the Convention on 16 November 1994 as a historic event in international relations and in the development of international law. In doing so, it would express its profound satisfaction at the Convention's entry into force and call upon all States that had not done so to become parties to the Convention and the Agreement of 28 July 1994.

Further, the Assembly would welcome the holding of the first meeting of the International Seabed Authority at its headquarters in Jamaica, and express its satisfaction at the establishment of the Authority. I should like to take this opportunity to congratulate the Government and people of Jamaica on their warm hospitality and efficient organization of the inaugural meeting of the Authority.

In operative paragraph 9, the Assembly would request the Secretary-General to implement the decision of the General Assembly contained in paragraph 8 of its resolution 48/263 of 28 July 1993, which provides that the administrative expenses of the Authority shall initially be met from the regular budget of the United Nations.

The Assembly would also welcome the first meeting of States parties to the Convention concerning the establishment of the International Tribunal of the Law of the Sea, held in New York on 21 and 22 November 1994, and it would express its satisfaction at the progress being made in the establishment of the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf.

Under the draft resolution, the Assembly would request the Secretary-General, from within existing resources, to convene a meeting of States parties relating to the organization of the International Tribunal for the Law of the Sea in New York from 15 to 19 May 1995 and, pursuant to the recommendations of the Preparatory Commission and the decision of the meeting of States parties, to designate, before 16 May 1995, a United Nations staff member, with secretariat support, to be charged with making preparations of a practical nature for the organization of the Tribunal, including the establishment of a library. In this regard, in my capacity as President of the meeting of States Parties, I should like to take this opportunity to place on record that States parties to the Convention have agreed to a one-time deferment of the first election of the members of the Tribunal until 1 August 1996. Through you, Mr. President, I would request the Secretary-General to take note of this important decision of States parties as he proceeds to implement the responsibilities assigned to him under the Convention with respect to the first election of the members of the Tribunal.

While States parties to the Convention constitute the supreme body in relation to the Convention, the Convention does envisage a continuing role for the United Nations by assigning a number of functions to the Secretary-General which go beyond the usual depository functions. At the same time, the General Assembly is the only global body that has the competence to review developments relating to the law of the sea on a regular basis. Thus, in operative paragraph 12 of the draft resolution, the General Assembly would recognize the

importance of an annual consideration and review of developments in the law of the sea and it would decide to undertake such an annual review and evaluation. The Assembly would express its appreciation to the Secretary-General for his report under agenda item 35, pursuant to resolution 48/28, and request him to carry out the activities aimed at the strengthening of the legal regime of the seas and oceans.

In operative paragraph 15, the Assembly would reaffirm the responsibilities entrusted to the Secretary-General upon the adoption of the Convention, and request him to fulfil the functions consequent upon the entry into force of the Convention. The precise mandate of the Secretary-General is enumerated in subparagraphs (a) to (h) of operative paragraph 15 and, *inter alia*, in operative paragraph 16.

In operative paragraph 22, the Secretary-General is asked to take fully into account the requirements under the Convention and the present resolution in the preparation of an integrated programme on ocean affairs and law of the sea, which should be duly reflected in the proposed programme budget and the medium-term plan.

In operative paragraph 14, the Assembly would note with appreciation the functions and role of the Division for Ocean Affairs and the Law of the Sea, which has contributed much to the wider acceptance and rational and consistent application of the provisions of the Convention. Over the years, the secretariat for the law of the sea has played an invaluable role. It served the Conference and then the Preparatory Commission effectively for many years. It has been a catalyst for the law of the sea at a time of division and despair among States. Its studies, information, technical guides and annual reviews of oceans law and policy and the Secretary-General's annual report on the law of the sea have been of tremendous benefit to States that, otherwise, would not have the facilities to obtain such materials. The secretariat has also supported national and regional initiatives of states in the implementation of the Convention.

All these efforts deserve our praise and appreciation. It is not without good purpose, therefore, that the mandate of the secretariat is being reaffirmed. As we express our appreciation to the secretariat, it is worth noting at this time, when the international community is entering into a new phase in relation to the law of the sea, that it is important that the secretariat examine its own management and operations to ensure that it is in a position to respond constructively and effectively to the needs of the international community that it is to serve. A cohesive, efficient and representative secretariat, one which discharges its responsibilities objectively, is essential if Member States are to repose their confidence in it.

It is important, therefore, for the secretariat to ascertain whether there is any sense of division or alienation within itself and whether its morale needs to be improved. I urge the Under-Secretary-General for Legal Affairs to look into this matter personally. Member States have provided the secretariat with a clear mandate and a sense of direction, and it is now for the secretariat to provide an effective and united response.

Mindful of the increasing needs of States, especially developing States, for advice and assistance in the implementation of the Convention, and to develop and strengthen their capabilities so that they may benefit fully from the legal regime for the seas and oceans, the resolution would also ask the Secretary-General to ensure that the secretariat's institutional capacities can adequately respond to the requests of States — in particular, developing States — both at the national level and in their subregional and regional efforts to implement the Convention.

It should be recalled that, throughout the Convention, States are urged to cooperate with each other at subregional and regional levels in order to give effect to many of the principles contained in the Convention. Conditions should be created to enable States to feel more confident about coming to the Division for Ocean Affairs and the Law of the Sea for such advice and assistance.

Related to this matter is an invitation to competent international organizations and funding institutions to take specific account, in their programmes and activities, of the needs of States, especially developing States, for technical and financial assistance and to support subregional and regional initiatives aimed at effective implementation of the Convention. It is expected that the Secretary-General, as is the practice, will draw the attention of the relevant international institutions and bodies to this and other appropriate provisions of the draft resolution.

By the resolution the General Assembly would also request the Secretary-General to prepare two reports. In operative paragraph 19 a report is requested on the impact of the entry into force of the Convention on related existing or proposed programmes throughout the United Nations system, for submission to the General

Assembly at its fifty-first session. In paragraph 23 the Secretary-General is requested to provide, for consideration by the General Assembly, an annual report, as from the fiftieth session, on developments pertaining to the implementation of the Convention, as well as on other developments relating to ocean affairs and the law of the sea and on the implementation of the proposed resolution.

Finally, the General Assembly would decide to include in the provisional agenda of its fiftieth session the item entitled "Law of the sea".

On behalf of its sponsors, I commend draft resolution A/49/L.47 to the General Assembly and express the hope that it will be adopted by consensus.

The President *(interpretation from Spanish)*: I should like now to propose that the list of speakers for the debate on this item be closed now.

It was so decided.

Mr. Gelber (United States of America): My Government is pleased to be a sponsor of the draft resolution on the law of the sea (A/49/L.47) and to support its adoption. The United States has long been committed to the goal of a comprehensive and widely accepted treaty on the law of the sea. Failure in 1992 to achieve consensus on the regime governing the mineral resources of the deep seabed threatened the achievement of this objective. However, the successful conclusion, last July, of the implementation Agreement reforming the Convention's seabed-mining provisions has now opened the way for universal acceptance of the Convention.

The entry into force of the Convention on the Law of the Sea on 16 November 1994 was a milestone in the international community's quest to apply the rule of law to the world's oceans. The draft resolution before the Assembly today appropriately calls attention to that significant event. But the draft resolution does more: it welcomes the fact that the Convention has entered into force with the prospect of the widespread support necessary for its full and effective implementation. In this regard, I am happy to report that on 7 October 1994 President Clinton transmitted the Convention and the Agreement relating to the implementation of Part XI to the United States Senate for its advice and consent.

Three weeks ago my Government was pleased to take part in the inaugural session of the International Seabed Authority at its headquarters site in Kingston, Jamaica. The steps necessary for the commencement of the Authority — a free-standing and independent international organization — are addressed in the implementation Agreement itself and in the recommendations of the Preparatory Commission, endorsed by the General Assembly in July. The draft resolution accurately reflects and reiterates the call for implementation of those steps. As my delegation did in Kingston, I underline how important it is that the Authority should launch its work in cost-effective and efficient fashion, consistent with the evolutionary approach upon which we have all agreed.

In addition, the draft resolution reflects the results of the meeting of the States parties to the Convention with respect to the International Tribunal for the Law of the Sea. We welcome the agreement reached by the States parties providing for deferral of the first election of the judges of the Tribunal. In our view, the deferral will promote fulfilment of the criterion enunciated in the Convention that the International Tribunal for the Law of the Sea be so constituted as to ensure representation for the world's major legal systems, as well as equitable geographical representation.

While these recent events are indeed memorable, the draft resolution does not just look back. It looks forward to a new era for the oceans. The agenda item on the law of the sea is concerned with the complete Convention — the broad range of issues that relate to ocean affairs and the law of the sea. The Convention codifies and elaborates generally recognized principles of customary international law. Many States, including my own, have been acting in accordance with these principles for some time. However, full realization of the many benefits of the Convention will require sustained and collective efforts by States.

Thus, it is appropriate that this year's draft resolution concentrates upon implementation of the Convention as a whole and the future implications of its entry into force for the United Nations, as well as for its individual Members.

The draft resolution sets in motion the steps necessary for the Secretary-General to carry out the responsibilities set forth in the Convention, triggered by its entry into force, and reiterates the importance of the work necessary to support the Convention's implementation by Member States. My delegation would like to echo the draft resolution's endorsement of the excellent work of the Division for Ocean Affairs and the Law of the Sea. The importance of these activities can

only grow with the entry into force of the Convention. The practical requirements of promoting and assisting State practices in accordance with the provisions of the Convention highlight the importance of the Division's work as we move into a new age.

The draft resolution recognizes in practical terms the value of the Convention as a comprehensive legal framework for the oceans. Thus, we find most appropriate the draft resolution's provision that the annual agenda item on the law of the sea should serve as an opportunity for Members to take an overview of the implementation of the Convention, and of oceans and law of the sea matters generally. We believe that this offers States an important opportunity to coordinate and avoid duplication in addressing the increasingly complex problems of the use and conservation of the oceans as we move into the next century.

In conclusion, my delegation is both proud and pleased to finally be able to join the other sponsors of the annual draft resolution under the agenda item on the law of the sea. In view of the great success that has been achieved in resolving the differences between Member States on the implementation of the Convention on the Law of the Sea, we hope that all delegations will be able to support this year's draft resolution and that together all the members of this great Assembly may enjoy the benefits that will flow from peace and justice on the oceans secured by universally accepted legal principles.

Mr. Mwakawago (United Republic of Tanzania): It is an honour and a privilege for me to address the Assembly on behalf of my Government on agenda item 35, the important item on the law of the sea. This is a truly historic occasion.

In December 1982 the United Nations Convention on the Law of Sea was signed by 119 delegations on the first day it was opened for signature. Two years later, in December 1984, 159 States and other entities had already signed the Convention.

Today, after 12 years, we are pleased to participate in this debate fully aware that this historic Convention has since entered into force. The commemoration which took place in Kingston, Jamaica, last month is a reminder to the international community of the difficult process of negotiations which led to this momentous achievement. The world will remember the words of Ambassador Pardo of Malta in 1967 when he spoke to this very body about the need for reserving the seabed and its resources for the exclusive use of mankind as a whole. My delegation pays tribute to Ambassador Pardo, whose vision 27 years ago set in motion the codification and development process of a legal instrument which we can all look at now with pride and heightened expectations.

The Convention contains very innovative provisions on such matters as exclusive economic zones, transit passage, archipelagic waters, marine scientific research and protection of the environment. It is an instrument that cuts across developing and developed countries, big and small, and integrates diverse interests and geographical peculiarities of participating States. The Convention also contains a comprehensive and binding system of dispute settlement.

As we assemble here today, it is satisfying to note that the international community is now set to begin the task of application of a Convention which now enjoys a wide range of support among Member States following the adoption of the implementation Agreement on Part XI last July. We note with satisfaction that this Agreement has upheld the important principle that the resources of the seabed area beyond national jurisdiction are the common heritage of mankind and should be used for the benefit of all humanity.

We would like to commend the relentless efforts of the former Secretary-General, Mr. Javier Pérez de Cuéllar, and the present Secretary-General, Mr. Boutros Boutros-Ghali, who successfully facilitated negotiations between the industrialized countries and the developing countries, which culminated in a delicate understanding embodied in the implementation Agreement on Part XI. It is because of these initiatives and the changed international climate that today we can see the light at the end of the tunnel, with universal participation in the implementation of the Convention.

The mandate for ensuring that the seabed and its resources are used for the benefit of all mankind has been entrusted to the International Seabed Authority. The Authority came into being when its first assembly met on the day of entry into force of the Convention, as provided for in article 308, paragraph 3. My delegation welcomes the pioneering role played by the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, which we had the privilege to chair in its initial years. Its comprehensive work in the preparation of the structure and foundation of the Authority and the International

Tribunal for the Law of the Sea is particularly commendable.

For almost 11 years the Preparatory Commission has successfully discharged its mandate, and in the absence of the Seabed Authority it also implemented resolution II of the Conference on pioneer investment, including the provision for resolution of conflicts of overlapping seabed claims, registration of pioneer investors and training.

The conclusions of the recent meeting of States parties to the Convention on the Law of the Sea, held on 21 and 22 November 1994, merit undivided attention. The meeting postponed the elections of judges to the International Tribunal to August 1996 in order to give time to those countries which are now in the process of finalizing their ratification procedures.

We believe that this demonstrates yet again the desire of the international community to have a Convention that is not only universally acceptable but applicable to all nations as well.

Apart from part XI, which had caused problems to some signatories, the rest of the Convention has all along enjoyed wide acceptability. It will be recalled that in his report (A/47/512) of November 1992 the Secretary-General had emphasized that the Convention remained a widely appreciated and useful instrument for States. That report, which was prepared to commemorate the tenth anniversary of the adoption of the Convention, also listed a number of countries that had adopted — or modified — their domestic legislation in accordance with the provisions of the Convention. Therefore, the Convention's entry into force takes place on the firm legal foundation of State practice in matters related to marine affairs.

At the regional level the Sri Lanka-based Indian Ocean Marine Affairs Cooperation (IOMAC) is yet another example of an institution established in accordance with the Convention well before its entry into force. Over the past 12 months the number of ratifications of the Agreement establishing IOMAC has increased from two to five. This shows the desire of the States surrounding the Indian Ocean to join in the new-found resolve of the international community to implement this new legal regime fully.

IOMAC, which was established in 1990 in Arusha, Tanzania, has made encouraging progress in a number of fields, including in particular technical cooperation, shipping, port development and marine science. When the Agreement establishing it finally enters into force it is certain that the coastal and hinterland States of the Indian Ocean will derive tangible long-term benefits from its activities. Tanzania is honoured to be the Chairman of this important regional institution.

Oceans have for centuries served as a means of communication and promotion of commerce through cooperation. They also bring countries together in order to promote international peace and security. The Convention further enhances the international community's capacity for increasing cooperation, reducing tensions and fostering preventive diplomacy, peacemaking and peace-keeping, as well as contributing to socio-economic development.

Tanzania wishes to reiterate the widely shared conviction that oceans should be used for peaceful purposes and for the benefit of all mankind. It is already becoming clear that as land-based resources dwindle a rush for the resources of the sea is inevitable. Only an international legal regime governing the utilization of the seas can guarantee their peaceful use on an equitable basis.

In conclusion, my delegation wishes to pay tribute to the late Ambassadors Shirley Amerasinghe of Sri Lanka and Bernard Zuleta of Colombia, whose major contributions to the codification process of the law of the sea will continue to be remembered as we embark on the implementation of the Convention.

As in previous years, Tanzania has joined other countries in sponsoring the draft resolution under this item.

Mr. Sardenberg (Brazil): The efforts undertaken by the international community to codify and develop the law of the sea have clearly paid off. The United Nations Convention on the Law of the Sea, which entered into force last month, is in all aspects the most comprehensive multilateral treaty ever achieved. We have at our disposal a legal regime that regulates human activities in an area encompassing two thirds of our planet. The establishment over the past few years of a just international order in the oceans and the achievement of its universality have produced an instrument that will certainly endure.

The Convention is increasingly being used to support regional initiatives, such as the zone of peace and cooperation of the South Atlantic, to which Brazil belongs. In the third meeting of its member States of the zone, which was held at Brasilia in September, the

participants adopted a declaration on the marine environment in which it is stated that the countries of the South Atlantic should exchange information and render mutual assistance on practical matters relating to the implementation of the Convention, in particular national legislation on such areas as the development of skills and capabilities in the marine sector and the protection and preservation of the marine environment.

For a long period of time part XI of the Convention was a major obstacle to the developed countries' joining us in accepting the Convention in its entirety. While part XI should be understood as an integral part of the Convention, which reflects the current status of ocean-related issues, in fact it regulates in detail an activity which is not yet under way and is expected to take some two decades to have any commercial impact. The core of the difficulties had been how to accommodate the views of the industrialized countries and developing States with regard to the provisions of part XI, the limitations imposed upon a ratifying State and the recognition that in practice the deep-sea-bed mining provisions of the Convention could not be fully applied.

The recognition of certain shortcomings of part XI in the absence of any mineral-resource activity should in no way be interpreted as support for the detractors of its provisions. We have consistently viewed it as an adequately drafted text, but the evolution of the world economic situation has rendered its full implementation somewhat premature. Nevertheless, the institutional framework envisaged by the Convention should be preserved. To do otherwise would be inconsistent with the goals envisaged by the framers of the Convention, which saw it as a realization of the fundamental principle of the common heritage of mankind.

The recent developments in the law of the sea are the product of recognition of the fact that some changes had to be made in the architecture of the Convention in order to achieve its universality. A far-reaching legal instrument such as this must count on the support of the international community as a whole in order to achieve its noble purposes. Its uniqueness, originality and comprehensiveness could have been put at risk had a compromise not been reached.

With this in mind, Secretary-General Pérez de Cuéllar convened from 1990 on a series of informal consultations — meetings that were intensified under Secretary-General Boutros Boutros-Ghali — that were aimed at finding a common ground between the positions of developing countries and those of developed countries on issues that were hindering the prospects for the Convention's universality. Painstaking discussions were held in which issues were identified and suggestions were made, and, ultimately, an agreement was reached.

The agreement represents a compromise between divergent views and does not fully satisfy the interests of any one particular State. Nonetheless, my delegation would like to underscore some of the views which it regards as fundamental and which should not be undermined. The institutions created by the Convention should be made fully operational, although in an evolutionary manner and one consistent with the objective of cost-effectiveness. The concept of the common heritage of mankind should remain at the core of our discussions and must in no way be put at risk.

The agreement seeks to implement certain provisions that delegations felt could best be applied by the adoption of a set of articles that in no way are intended to amend the text of the Convention. The main purpose of the implementation agreement was to get on board delegations that could not go along with the provisions of Part XI but at the same time take into account the legal and conceptual difficulties of States that had already ratified the Convention would have in changing a text to which their legislatures had already given their approval.

Some have insisted on the notion that the Convention has been "amended", and that Part XI should be applied "as amended". We see this as loose language that might suit certain purposes, but the fact remains that the Convention has not been amended. Article 2 of the implementation agreement clarifies this when it states that

> "The provisions of this agreement and Part XI shall be interpreted and applied together as a single instrument". *(resolution 48/263)*

A word of praise is in order for the report of the Secretary-General contained in document A/49/631. It usefully summarizes the major developments relating to the United Nations Convention on the Law of the Sea, as well as the important activities which are being carried out by the Division for Ocean Affairs and the Law of the Sea, under the competent supervision of Mr. Hans Corell, Mr. Jean-Pierre Levy and their staff.

The report clearly demonstrates the fact that the Convention provides the mechanism for addressing all ocean-related issues under conditions of peace and

cooperation. As the Secretary-General pointed out in his report on an agenda for development, quoted in the report on the Law of the Sea

> "'the Convention provides a universal legal framework for rationally managing marine resources and an agreed set of principles to guide consideration of the numerous issues and challenges that will continue to arise. From navigation and overflights to resource exploration and exploitation, conservation and pollution and fishing and shipping, the Convention provides a focal point for international deliberation and for action'". *(A/49/831, para. 5)*.

Brazil is one of the sponsors of the draft resolution before us. It represents a balanced and carefully drafted text that deserves the support of this General Assembly. On the one hand, it ensures the proper autonomy and independence of the institutions created by the Convention, and on the other requests the Secretary-General to continue to implement fully the responsibilities entrusted to him upon adoption of the Convention and to fulfil the functions consequent upon the entry into force of the Convention.

On 16 November 1994, in Jamaica, a sister country of the Latin American and Caribbean Group of States, the first meeting of the International Seabed Authority was held in the presence of the Secretary-General and many dignitaries. Brazil was proud to participate in that historic moment.

All those who took part in the negotiation process have high expectations as regards the entry into force of the Convention. Now it is up to us all to establish an active and operational Authority, through the full implementation of the principle of the common heritage of mankind.

The oceans are to be used with equity and justice for all. Let us put into reality the prospects of peace and cooperation envisaged in the United Nations Convention on the Law of the Sea.

Mr. Lamamra (Algeria) (*interpretation from French*): Consideration of agenda item 35 at the forty-ninth session of the General Assembly entitled "Law of the sea" comes at one of those rare moments in history which are particularly favourable both for taking stock and for looking to the future, for it coincides with a job well done and the dawn of a new and promising phase.

In truth the long-awaited entry into force of the United Nations Convention on the Law of the Sea is indubitably the truly historic incarnation of an exceptional process in the progressive development and codification of international law because of the scope, diversity and complexity of the issues codified and because of the future and potential of the 1982 Convention.

This global and integrated vision fully justifies the description of the Convention as a genuine constitution for the seas and oceans. Apart from the specific rules and norms it establishes in very different areas relating to the sea and ocean spaces, the Convention offers instruments and review mechanisms, as well as guidance and very valuable reference points for development, strengthening and consolidation of international cooperation in the maritime area, in all of its aspects.

Lastly, the exceptional nature of the 1982 Convention derives from the humanist and pioneering vision of the exploration and exploitation of marine wealth beyond the limits of national jurisdiction, a vision which the concept of the common heritage of mankind has codified by giving it legal force *erga omnes*, making it, as we see it, quite naturally fall into the area of *jus cogens* or a mandatory norm of general international law.

For all of these reasons we would like once again to express our admiration and gratitude to all those who foresaw, and those who helped to build, a modern and universal law of the sea. Their forward-looking vision, their keen sense of the higher interests of mankind as a whole, along with their undeniable legal rigour, have made it possible to provide the international community with a binding legal instrument which is unique in many respects.

The perfectly legitimate feeling that we have done our duty should not make us complacent. On the contrary, it should stimulate us to try truly to live up to the hopes borne of the conclusion and entry into force of the 1982 Convention. In this connection, my delegation welcomes the opening of the first session of the International Seabed Authority's assembly, the resumption of which on 27 February next in Kingston will, if there is real political will, no doubt, enable us to provide the final impetus needed for the actual and resolute implementation of one of the main aspects of the 1982 Convention. The delegation of Algeria will make a constructive contribution and on the basis of the necessary respect for the spirit and letter of the relevant provisions of the 1982 Convention, whose unanimously recognized unified character must be truly protected.

Apart from the establishment of the International Seabed Authority, the entry into force of the 1982 Convention has another major implication at the institutional level. In this connection, my delegation welcomes progress made in preparations for the establishment of the International Tribunal for the Law of the Sea, in particular, the timely decisions taken at the ad hoc meeting of States parties to the Convention in New York on 21 and 22 November 1994, where States not yet parties were able to participate as observers. The decision to postpone the election of 21 judges for the Tribunal seems to us to be a wise move for it makes it possible to work to promote the representativeness and universality of the Tribunal through its membership.

Draft resolution A/49/L.47, which was lucidly introduced by Ambassador Nandan of Fiji and which Algeria has joined in sponsoring, rightly stresses the role the United Nations will continue to play after the entry into force of the United Nations Convention on the Law of the Sea. In that connection, we think the General Assembly must continue its annual review of all developments relating to the law of the sea on the basis of a comprehensive annual report of the Secretary-General. That review will be all the more valuable after the establishment of all the organizations and bodies provided for in the Convention, for it will help us preserve a comprehensive view and an interdependent approach to all issues relating to the law of the sea, while respecting the areas of competence of each organization.

Consideration of this year's report confirms the relevance of that approach, if such confirmation were needed; the report is full of most useful information on various matters such as State practice in the area of national legislation, maritime disputes between States, the convening of international conferences, maritime safety, marine environmental protection and crime at sea. Hence, my delegation welcomes the comprehensiveness of the Secretary-General's report, which facilitates integrated study of all sea-related issues and enables the paramount universal forum, the General Assembly, to outline recommendations to influence the practice of States and other relevant international organizations.

I want to note that on 28 May 1994, as indicated in the report of the Secretary-General, Algeria established an exclusive fishing zone in order better to protect and conserve its national fishery resources. That decision was based on our political determination to preserve our national fishery resources, on which some 2 million people depend. Moreover, that decision will not affect the legitimate interests of foreign fleets authorized under the recent Algerian Government decision to operate in our fishing zone subject to the granting of the appropriate licenses. Finally, the decision does not imply any extension of Algeria's national territorial waters, whose limit remains at 12 nautical miles in conformity with the relevant provisions of the United Nations Convention on the Law of the Sea.

I wish to conclude by reaffirming that the Algerian delegation is ready and willing to continue contributing to the General Assembly's consideration of this very important item, in which Algeria — a coastal State on a semi-enclosed sea, the Mediterranean, with a 1,200-kilometre coast, but also a geographically disadvantaged developing State under the terms of the 1982 Convention — takes a particular interest.

Mr. Yoo (Republic of Korea): Last month, in Kingston, Jamaica, the international community celebrated the entry into force of the United Nations Convention on the Law of the Sea and inaugurated the International Seabed Authority, which was established under the Convention. The delegation of the Republic of Korea was pleased to take part in that historic occasion and to bear witness to the opening of a new chapter in the history of the law of the sea.

The United Nations Convention on the Law of the Sea is a monumental achievement. It addresses all aspects of human activity relating to the oceans: navigation and overflights, conservation and pollution control, fishing and shipping, resource exploration and exploitation, scientific research and the settlement of disputes. It also strikes a fair balance between the competing interests of coastal and user States. Accordingly, my delegation believes the Convention's entry into force will significantly contribute to the stabilization of the maritime legal order world wide and to the formulation of an equitable solution on resource allocations among States.

While the Convention itself was the product of arduous negotiations and tireless efforts spanning a decade, its actual entry into force consumed another 12 years, primarily due to divergences between States on the issue of a deep seabed development system. These differences, which stood as the primary obstacle to securing the universality of the Convention, were overcome through the adoption last July of the Agreement relating to the Implementation of Part XI of the Convention. With the application of the Agreement on a provisional basis starting from 16 November 1994,

the date of the Convention's entry into force, the international community was finally able to effect a comprehensive and applicable legal norm governing the oceans.

Although the Convention's entry into force marks a new era in the use and development of the oceans, my delegation considers that the international community still has a number of issues to address in its actual application. In particular, the development of harmonized State practices through equitable, consistent and coherent application of the Convention remains a key challenge. In this regard, my delegation feels that the active assistance of the United Nations is critical as the international community tackles these future tasks.

The number of parties to the Convention currently stands at 69, a figure which is slightly more than a third of the States Members of the United Nations. Accordingly, the Convention's universality is still far from being realized. For its part, the Republic of Korea has been preparing for the ratification of the Convention over the past several months and is awaiting approval by its National Assembly at its next session. In addition, my Government is planning to review existing domestic laws and regulations relating to maritime affairs and to harmonize them with the Convention. We hope to join the ranks of States Parties to the Convention at the earliest possible time.

My delegation would like to express its satisfaction at the outcome of the ad hoc meeting of States Parties to the Convention, held on 21 and 22 November 1994, concerning the establishment of the International Tribunal for the Law of the Sea. At that meeting, States Parties and States not parties reached a consensus on a one-time deferment of the election of 21 judges of the Tribunal. My delegation considers that the election date agreed upon, 1 August 1996, is reasonable in the light of the current status of the Convention. In order for the Tribunal to commence on a truly universal basis, States that have not yet ratified the Convention are encouraged to do so as early as possible.

With regard to the next meeting of the States Parties and the first substantive Assembly of the International Seabed Authority, my delegation sincerely hopes to see the international community reach a consensus once again in the spirit of compromise and cooperation concerning the composition of the Tribunal and the Council of the Authority.

Lastly, I note with satisfaction that the Government of the Republic of Korea was formally approved as a pioneer investor by the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea at its twelfth resumed session last August. We are proud of our status as a pioneer investor, which was accorded last April by the Technical Expert Group after a thorough examination of our pioneer activities since the mid- 1980s. As a registered pioneer investor, my Government will do its utmost to fulfil its obligations and will remain committed to lending full support to the future activities of the Authority.

Mr. Ould Ely (Mauritania) *(interpretation from French):* The delegation of the Islamic Republic of Mauritania is pleased to participate in the debate on agenda item 35, entitled "Law of the Sea". The debate, which is taking place barely two weeks after the inauguration of the International Seabed Authority in Jamaica, is of particular importance inasmuch as it is the first to be held after the entry into force of the United Nations Convention on the Law of the Sea.

We thank the Secretary-General for his substantive report (A/49/631), which provides us with a good basis for our work.

The entry in force of the Convention on the Law of the Sea on 16 November 1994 clearly marks a major event within the framework of the development and progressive codification of international law.

Indeed, rightly considered as the greatest achievement of the international community since the adoption of the Charter, it has already influenced and will continue greatly to influence the conduct of all States concerning the oceans and seas. In essence, it draws a delicate balance between the differing interests of States and strives to ensure an equitable relationship among them based on their geographic characteristics, their economic conditions and their political needs. The Secretary-General in his report to the forty-eighth session of the General Assembly already predicted that:

> "The entry into force of the Convention will have a marked impact on the practice of States, particularly those which are Parties to the Convention, and the activities of a number of international organizations competent in the fields of ocean affairs." *(A/48/527/Add.1, para. 2)*

This importance of the Convention explains all the efforts undertaken since its conclusion following the Third United Nations Conference on the Law of the Sea in 1982 to resolve difficulties caused by Part XI in order to make it universal. We are thus gratified with the positive outcome of the negotiations which achieved the Agreement concerning the application of Part XI of the Convention, which my country signed on 2 August 1994.

We hope to see the greatest possible number of States become parties to this valuable instrument, one which will not only contribute to the preservation of international peace and international security but also ensure the development and harmonious exploitation of the sea's resources.

Beyond its normative aspect and its positive contribution to the maintenance of international peace and security, the Convention on the Law of the Sea is also an important means to promote the economic and social development of all States and, in particular, of the developing countries. By dealing with subjects as diverse and also as complex as navigation or overflights, the exploration or exploitation of resources, conservation and the campaign against pollution, fishing or maritime transportation, it provides a framework for concerted action in the service of development and, therefore, of peace. It is in this context that my country is participating in, and has the honour of being one of the Vice-Chairmen of, the United Nations Conference on Straddling Fish Stocks, and Highly Migratory Fish Stocks whose migrations take place both within and beyond exclusive economic zones. The conclusions of the Conference, whose aim is to ensure the sustainable exploitation of the sea's resources through rational management and conservation, will doubtless form a valuable supplement to the Convention. That is why we hope that it will achieve a speedy general agreement aimed at reversing the present trend towards the over-exploitation of living marine resources.

The achievement of this goal is all the more urgent and imperative since for a number of countries — and above all the developing countries, such as mine — the exploitation of sea resources has considerable impact on their development and on the well-being of their populations.

The entry into force of the Convention and the establishment of its institutions should in no way diminish the pivotal role the United Nations has always played in activities concerning the sea. In this regard we welcome the Secretary-General's constant interest which he reaffirmed at the formal meeting marking the entry into force of the Convention on 16 November 1994 in Kingston. We believe that, as is emphasized in paragraph 15 of draft resolution A/49/L.47, he must continue to carry out the responsibilities entrusted to him upon the adoption of the Convention and to fulfil the functions consequent upon the entry into force of the Convention. Within this framework, the capacity of the developing countries to benefit from the Convention should be strengthened. While welcoming the work and the role of the Division For Ocean Affairs and the Law of the Sea, we believe it will be necessary to endow it with additional resources to enable it to pursue its activities in this new context.

The major challenge for the international community presented by the entry into force of the Convention is now that of translating into action the principle on which it is based — namely, the common heritage of mankind.

The ocean indeed provides a rich array of resources and possibilities that, if wisely used, could help eradicate malnutrition, alleviate poverty and improve the living conditions of peoples. However, it is of crucial importance to develop new technologies and above all to render consistent technical, scientific and financial assistance to the developing countries in order to enable them to manage and control the resources of their coasts for the benefit of their populations. This assistance, which could have several dimensions, including, for example, support to existing regional and subregional organizations, should be one of the major concerns of the new Authority.

I should like before concluding to pay a particular tribute to the Preparatory Commission of the International Seabed Authority and to the International Tribunal for the Law of the Sea for their work, which today is allowing us to begin the active phase of the convention on a solid foundation. We also pay tribute to the Division of Ocean Affairs and the Law of the Sea, whose continued work over the years has always been a source of inspiration for numerous countries.

Finally, we voice the hope that the new stage marked by the entry into force of the Convention will strengthen the action of the international community in a spirit of solidarity and cooperation so that all peoples may be able to benefit fully from the resources of the sea.

Mr. Ngo Quang Xuan (Viet Nam): This year's discussion by the United Nations General Assembly of the agenda item on the law of the sea is of historic significance. On 16 November 1994, the international community solemnly celebrated the entry into force of the 1982 United Nations Convention on the Law of the Sea and the coming into existence of a new international organization — the International Seabed Authority. These events undoubtedly constitute a major landmark on the path towards the codification and progressive development of international law as a whole and of the international law of the sea in particular. For that reason, we cannot but express our satisfaction at the tremendous and tireless efforts the international community has been making throughout the years and at the historic achievements we have recorded.

We fully share the view, expressed by the Secretary-General of the United Nations at the first meeting of the Assembly of the International Seabed Authority, that the Convention on the Law of the Sea demonstrates what can be achieved when mutual support and mutual respect provide the basis for relations among nations.

The 320-article Convention represents the result of a long process of negotiation among States and reflects a boldly innovative approach to the codification and progressive development of international law.

The Convention establishes a comprehensive set of norms and principles governing various types of activities by States as well as their rights and obligations in the oceans. The Convention resolutely reaffirms the indispensable sovereignty of States over their internal waters and territorial sea. It also resolutely reaffirms the sovereign rights and jurisdiction of coastal States over their contiguous zone, exclusive economic zone and continental shelf. Furthermore, the Convention incorporates and legalizes the status of the seabed and the ocean floor, and the subsoil thereof, that are beyond the limits of national jurisdiction — "the Area" — as the common heritage of mankind.

The respective provisions of the Convention clearly state that all rights to the resources of the Area are vested in mankind as a whole, on whose behalf the Authority shall act. Furthermore, the Convention provides the necessary legal rules for the protection of the marine environment and the conduct of marine research.

The Convention undeniably constitutes a valuable and important contribution to the maintenance of international peace, justice and progress. By adopting, signing and bringing it into effect, the international community is affirming that rules will regulate the conduct of nations in their activities relating to the use of the sea.

As a maritime State with a major interest in the stability of the legal order of the sea, Viet Nam actively participated in the Third United Nations Conference on the Law of the Sea and became party to the Convention on the first day it was open for signature. Our country has adhered to the Convention in letter and in spirit and has gradually harmonized its own national legislation with the relevant provisions of the 1982 Convention on the Law of the Sea. It should be noted that the main content of, and the key norms and principles stipulated in, Viet Nam's legislation for governing the legal status of our country's various maritime areas, such as our internal waters, territorial sea, contiguous zone, exclusive economic zone and continental shelf, as well as human activities in the sea — norms and principles which were enacted even before we ratified the Convention — are similar to the corresponding articles of the Convention.

On 23 June 1994, following extensive preparatory work, the National Assembly of Viet Nam decided to ratify the Convention, thus demonstrating our desire and determination to join the international community in the establishment of an equitable legal order and in the promotion of maritime development and cooperation. In its resolution, the National Assembly mandated the Government to review all relevant national legislation in order to make the necessary amendments to bring it into conformity with the 1982 United Nations Convention and to safeguard the interests of Viet Nam.

Viet Nam appreciates the efforts of the Secretary-General of the United Nations to hold informal consultations with a view to securing more nearly universal participation in the Convention. Our country has participated constructively in the informal consultations conducted at United Nations Headquarters from 1990 to 1994. At the resumed meetings of the forty-eighth session of the United Nations General Assembly, Viet Nam, along with 120 other States, voted in favour of the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea.

With regard to paragraph 55 of the report of the Secretary-General entitled "Law of the Sea", (A/49/631), our delegation would like to recall the well-known fact that there exist disputes between Viet Nam and China

over the Hoang Sa (Paracel) Islands and among six parties over the Truong Sa (Spratly) Islands in the Eastern Sea.

In respect to those disputes, we have always advocated and continue to advocate a peaceful settlement. The position of Viet Nam is that the dispute between Viet Nam and China over the Hoang Sa (Paracel) Islands should be settled by peaceful negotiations between the two countries and that the disputes over the Truong Sa (Spratly) Islands should be settled by peaceful negotiations among the concerned parties. Proceeding from that stance, we support the 22 July 1992 Declaration of the Association of South-East Asian Nations on the principles concerning the settlement of disputes in the Eastern Sea.

While it has ratified the United Nations Convention on the Law of the Sea, the National Assembly of Viet Nam once again reaffirms Viet Nam's position that disputes relating to territorial and other claims in the Eastern Sea should be settled through peaceful negotiations in the spirit of equality and mutual respect and understanding and with due respect for international law, particularly the United Nations Convention on the Law of the Sea, and for the sovereign rights and jurisdiction of the coastal States over their respective continental shelves and exclusive economic zones. The parties concerned, while making active efforts to promote negotiations towards a fundamental and long-term solution, should maintain stability on the basis of the status quo and refrain from any act that may further complicate the situation and from the use of force or the threat of force.

The Thanh Long area, where Viet Nam has authorized the Mobil Corporation to undertake exploration activities, and the Tu Chinh area, where we have undertaken and continue to undertake exploration and research activities and where the Crestone Energy Corporation signed an illegal contract for exploration and exploitation in May 1992, are situated completely on the continental shelves of Viet Nam. These areas, also falling under the international law of the sea, do not have any connection with the Truong Sa (Spratly) Islands and therefore cannot be considered as disputed areas. Any claim of sovereignty over maritime areas and continental shelves surrounding the Truong Sa (Spratly) Islands based on the argument of "sovereignty over archipelago" is contrary to international law, particularly the 1982 United Nations Convention on the Law of the Sea.

The international community has come a long way in elaborating the 1982 Convention on the Law of the Sea and bringing it into force, as well as in giving birth to a new international organization, the International Seabed Authority. But there are still many things to be done. Among others, there is an urgent need to make the Convention more universal with every passing day. That is why, at their first meeting, on 21 and 22 November 1994, the States parties decided to postpone the election of 21 judges of the International Tribunal for the Law of the Sea until 1 August 1996, 15 months later than the schedule provided for in the Convention. We sincerely hope that this gesture of flexibility on the part of States parties will facilitate more rapid participation in the Convention.

Our delegation holds the view that, during these very first days of its inception, the Authority needs the support of the international community more than ever. While recognizing that the structure and functioning of the various organs and subsidiary bodies of the Authority should be based on the principles of evolution and cost-effectiveness, we firmly believe that if it is to implement properly those tasks entrusted to it the Authority should be given the necessary support and provided with the necessary means.

Mr. Laing (Belize): Belize fully subscribes to the joint statement on this agenda item to be made during this debate by the delegation of Jamaica on behalf of the States members of the Caribbean Community and Suriname. Jamaica's name was inscribed on the list of speakers for this morning, but due to circumstances beyond its control it will not speak until this afternoon.

Since the mid-1940s, matters relating to the sea have been marked by dynamism. Scientific discovery has been rapid. There have been increases in capabilities for research on and exploitation of living and some non-living resources. Even as new non-maritime transportation and communications modalities have materialized, additional uses for maritime transportation have become manifest, especially in terms of the carriage of toxic and radioactive cargoes and of petroleum by ever-larger ships. As our industrial sectors have expanded, chemical dumping and leaching from land-based and marine sources have increased.

Thus, our seas and oceans have become increasingly busy and degraded as our planet's resources have steadily been further overwhelmed. Regrettably, these developments have coincided with the exponential growth of the global population, which led us earlier this year to the International Conference on Population and Development in Cairo. Population growth and mankind's

increasing voraciousness have led to even more massive pressures on our maritime spaces.

In the setting which I have just roughly described, there is a need for legal regulation. Happily, there has developed a veritable industry for creating law on maritime matters. There are now significant bodies of regulation on marine safety and environmental protection. Such specific baneful uses of maritime spaces as narcotics trafficking and the smuggling of persons are receiving juridical attention. Various species of fish are now the subjects of treaties and regulatory systems, mostly of a regional nature. We are currently drafting a major treaty on straddling stocks.

Most important, we have now entered a remarkable new era with the entry into force of the United Nations Convention on the Law of the Sea. It regulates or clarifies such concepts as "archipelagic States" and "exclusive economic zones". It sets forth progressive regulations for disadvantaged and geographically deprived States. It contains modern rules on the regulation of ships and on jurisdiction concerning the delictual actions of ships and pollution caused by them. Its provisions on the international seabed area are a tribute to the ability of the international community to reach rational agreement even on contentious issues related to resources. Above all, the cornucopia of provisions for dispute-resolution is entirely consistent with the rather decentralized nature of an international legal system groping for some order.

The creation of a multitude of legal rules and normative arrangements is certainly an important aspect of global order. Such written rules are highly desirable in a consensual international system in which tribunals experience difficulties in finding and applying customary norms, which are generally remarkable for their breadth and generality.

Yet the order inherent in the existence of legal norms is inadequate if there does not coexist an appropriately structured and coherent institutional system. The Secretary-General's report reveals that in maritime matters we have a vast array of institutions seeking to accomplish order in ocean space. We can discern a great deal of activity by the United Nations and such agencies as the United Nations Environment Programme, the Food and Agriculture Organization of the United Nations and the International Maritime Organization. The Whaling Commission remains an active agency. So are several regional bodies which deal with fisheries generically or broad species of fisheries or classes of fish. The Seabed Authority comes into being and we are proud to note that it is located in a sister Caribbean and Caribbean Community (CARICOM) State, Jamaica. We also note that the International Tribunal for the Law of the Sea is preparing to step on to the stage. The somewhat random concatenation of all of these bodies suggests that the institutional aspects of maritime order may be inadequately structured. If this is so, it is not a new phenomenon. We encounter it in many branches of international relations. What this delegation would note is that, given the size and importance of ocean spaces, the problem might need to be urgently addressed.

The President took the Chair.

Perhaps we could give thought to devising three possible lines of solution. First, this Organization might consider continuing, through the Division of Ocean Affairs, to perform vital responsibilities as a clearing house and agency for advisory, training, education and dissemination services. Also, naturally, a revamped Economic and Social Council could contribute to the sorely needed coordination which is that organ's responsibility in the global system. Secondly, this delegation envisages the International Seabed Authority's rapidly developing the technical functions vested in it by part XI of the United Nations Convention. At the same time, while it would not usurp the functions of the other relevant global agencies, it could play a catalytic role in relation to such cognate aspects of the Convention as the exclusive economic zone, the continental shelf, the marine environment, marine scientific research and marine technology. Thirdly, the Belize delegation anticipates the continuation of the existing trend for the living resources to be managed on a regional basis. Hopefully, two features could become increasingly apparent in such regional mechanisms: First, each region would be as large as possible, in order to ensure against wasteful duplication and inequity and to encourage efficiency. Secondly, of regional agencies which are dealing with particular living species and which are proliferating might be replaced by regimes which are inclusive of diverse species. We hope that the incipient Association of Caribbean States, based, as it is, on one major marine area, will develop such a comprehensive structure.

Finally, this delegation must stress Belize's sincere determination to assist the international community in developing a rational law of the sea and an accompanying international maritime order. Our commitment derives from two factors.

The first factor is that Belize's maritime assets are unique and extraordinary: Belize has the world's second-longest coral barrier reef and a larger number of significant atolls than anywhere else in the Caribbean region. Around that reef, there is a natural archipelago of over 1,000 islands. Due to the nature of the reef and the islands, Belize's unusual baseline is actually several miles offshore. Of course, Belize still remains a small, poor country.

The second factor contributing to Belize's commitment is that Belize produces no minerals or petroleum. It therefore has a vital interest in the proper development and administration of marine areas — for the welfare of its citizens and for the good of mankind.

Mr. Martens (Germany): On behalf of the European Union and the adhering States, Austria, Finland and Sweden, I should like to join other delegations in expressing deep satisfaction at the entry into force of the United Nations Convention on the Law of the Sea on 16 November 1994. This event is the culmination of almost 30 years of work by the United Nations and will be recognized as a historic milestone in international relations and in the development of international law. We equally welcome the adoption on 28 July 1994 of the Agreement relating to the Implementation of Part XI of the Convention, which constitutes a complement necessary to achieving universal acceptance of the legal regime for the seas and oceans now established.

We would like to seize this opportunity to repeat the appeal we made at the first meeting of the International Seabed Authority in Jamaica for all States that have not yet done so to become parties to the Convention and the Agreement. This will ensure that we achieve the fundamental goal of universal application of the Convention, the goal towards the fulfilment of which the adoption of the Agreement has done so much to carry us. The European Union and its member States and the adhering States are all working towards becoming parties to the Convention and the Agreement.

Finally, I should like to stress our confidence in the Secretary-General's efforts to implement effectively the recommendations and decisions adopted, in accordance with the principles of cost-effectiveness and evolutionary approach as referred to in the Agreement of 28 July 1994, by the Preparatory Commission and by the States parties with respect to the establishment of the International Seabed Authority, the Commission on the Limits of the Continental Shelf and the International Tribunal for the Law of the Sea.

Mr. van Bohemen (New Zealand): This year's debate on the agenda item on the law of the sea is properly an occasion for celebration. This year — some 12 years after the adoption of the draft convention on the law of the sea, itself some 14 years in the making — we can celebrate at last the Convention's entry into force. Even more significantly, we can celebrate the fact that the Members of the United Nations were able this year to agree on adjustments to Part XI that should enable the widest possible adherence to the Convention. We salute the countries and the personalities that made that accommodation possible. In particular, we pay tribute to those countries that had already assumed the burdens of membership by ratifying the Convention, but were prepared to make accommodations in the interests of bringing on board those that had reservations about Part XI. We also wish to pay tribute again to Ambassador Satya Nandan of Fiji, who played a major role in shepherding those negotiations to a successful conclusion.

Already, as a result of the Agreement adopted in July, the pace of ratification has picked up significantly. In the case of New Zealand, ratification of the Convention is being examined with renewed urgency. For us, the principal issues for consideration do not include whether the Convention is in New Zealand's interests. That question was answered resoundingly in the affirmative at the time the Convention was adopted. Successive Governments since then have expressed their commitment to the Convention. But, given the financial implications of ratification, especially ratification of a Convention that did not enjoy the participation of the major budgetary contributors, we judged it prudent to proceed with caution until it was apparent that an accommodation would be reached on Part XI.

Those financial issues can now be considered against the perspective of the expected widespread adherence to the Convention. Accordingly, consideration can now be given to the other legal and administrative issues that must be addressed, either prior to ratification or subsequently.

Among the former set of issues — the legal issues — is the obvious one of ensuring that New Zealand's marine legislation is in conformity with the Convention, a process that is now under way. Among the latter — the administrative issues — the mapping of New Zealand's very extensive continental shelf so that we shall be in a position to lodge our coordinates with the boundary Commission, as required under the Convention.

For New Zealand, that exercise alone will entail a significant financial commitment. Accordingly, the process of ratification is not simple. But the question of our ratification of the Convention is now actively being pursued. We hope that we shall be in a position to enter full membership in the not too distant future.

It is natural that in recent years attention has focused on Part XI as the negotiations initiated by the Secretary-General have been in train. But, as a quick perusal of the Convention itself reveals, and as is confirmed by the breadth of material in the Secretary-General's report, there is much more to the Convention than Part XI. Indeed, for many countries, including New Zealand, Part XI, while a vital part of the package of the Convention, is of marginal significance. It deals with what we all now appreciate is a distant if not a hypothetical activity. It is the other aspects of the Convention that are of much greater significance for us in terms of our security, our access to resources and the well-being of our environment.

The benefits of the Convention have often been recalled, but they bear repeating again. For a coastal State such as New Zealand, which has extensive marine spaces and is heavily dependent on seaborne trade for its economic well-being, these include: the removal of potential conflicts over marine spaces and navigational rights; the recognition of our sovereignty over our 12-mile territorial sea and our continental shelf, including out beyond 200 miles, and our exclusive right to exploit the resources of the 200-mile exclusive economic zone; and clear rules regarding marine scientific research.

It is also very important to recall those parts of the Convention that deal with the areas beyond national jurisdiction. The Convention did not provide that those areas above the sea floor are the object of an international free-for-all. It recognized, for example, that States have a duty to cooperate in the conservation and management of the living resources of the high seas and in the protection of the marine environment.

Indeed, in the wake of the 1992 Conference in Rio de Janeiro, the emerging challenges to the law of the sea regime, in the environmental field, have become more prominent. These challenges are again highlighted in the Secretary-General's report, as are the various initiatives that have been taken at the regional and global levels in response. We are aware of and welcome the work being pursued under the auspices of the International Convention for the Prevention of Marine Pollution from Ships, the International Maritime Organization, the London Convention, the International Atomic Energy Agency and other forums to address the problems of marine pollution, hazardous wastes and radioactive wastes. These are all areas where the need to give further elaboration to the relevant legal regimes has been identified.

Another key example of the ongoing work to elaborate the law of the sea regime is the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, which is to resume — and, we hope, conclude — its work next year. Good progress has been made in the negotiations so far. We consider that the Chairman's text, which has been produced by Ambassador Satya Nandan, provides a sound basis on which to carry the work forward to a successful conclusion.

We recognize that various discussions in other, more technical bodies, such as the Food and Agriculture Organization of the United Nations, also touch on issues being addressed by the United Nations Conference. In our view, however, it is imperative that those discussions should not prejudice or cut across the negotiations at the Conference, which is the proper venue for addressing the fundamental political and legal issues that must be resolved.

As the Secretary-General's report makes clear, the law of the sea regime is a multifaceted one that touches on a vast range of issues affecting the marine environment. Many of those issues are of crucial importance to a large number of Member States. It is important, therefore, that this Organization have the resources to provide Member States with the information and assistance they need in addressing their interests in this complex of issues.

We have for many years been appreciative of the work of the law of the sea secretariat, which is now configured as the Division for Ocean Affairs and the Law of the Sea. The secretariat has provided valuable assistance across the range of issues with which it has been entrusted. We consider it most important that it be sufficiently resourced and properly structured to continue to provide this assistance, even as the institutions established under Part XI of the Convention come into being. We are grateful, therefore, that this aspect is appropriately reflected in the draft resolution before the Assembly, of which New Zealand is one of the sponsors.

Mr. Flores Olea (Mexico) *(interpretation from Spanish)*: We should like first to extend our thanks to the Secretary-General for the preparation of the report on the law of the sea that is now before the General Assembly. We should like to record our appreciation of such a clear and well-presented document.

On 16 November the international community witnessed a historic event — the entry into force of the United Nations Convention on the Law of the Sea. The pursuit of the goal of a codified legal regime for the oceans entered a new phase as this regime came fully into force for the States parties. We express our great pleasure and satisfaction at this important event.

Mexico was an enthusiastic participant in the inauguration of the work of the International Seabed Authority in Kingston, Jamaica. From this rostrum we extend our thanks to the people and Government of Jamaica for their warm hospitality and their painstaking commitment to ensuring the success of the inaugural meeting.

Since 1982, when the Convention was adopted and opened for signature, Mexico has striven to contribute towards its universality and that of the institutions emanating from it. Since that time we have been both steadfast and realistic in our activities in the various forums of the United Nations related to the law of the sea. We recognize the importance of making the Convention and its institutions universal. Once again, we call on those States that have not yet ratified or acceded to this valuable instrument of the international community to proceed to do so as soon as possible.

Mexico considers that the Agreement relating to the implementation of Part XI of the Convention, adopted by the General Assembly last 28 July, laid a solid foundation for making the Convention universal. Once there are stronger signs that the Agreement is meeting effectively the objective of achieving a more nearly universal participation in the Convention, Mexico will be able to sign it and, subsequently, to agree to be bound by it. In this context, as proof of our firm support for the Convention and eager to continue our contribution towards its universality, we have offered to be a sponsor of the draft resolution.

For my delegation, it is of the utmost importance to have an International Tribunal for the Law of the Sea established in accordance with the provisions of the Convention. We are pleased that at their ad hoc meeting, held in New York last 21 and 22 November, the States Parties to the Convention were able to achieve a consensus agreement on the date for holding the first election of members of the Tribunal.

Mexico joined the consensus in favour of postponing this first election, which we consider an exceptional, unique and final measure. The postponement will facilitate the broad representation in that organ of the main legal systems of the world and an equitable geographical distribution.

We wish to express our deepest appreciation for the work carried out through all these years by the Secretariat of the United Nations. The devotion and ability of the personnel of the Division for Ocean Affairs and the Law of the Sea has been essential in the smooth progress of activities related to the Convention and the work of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea. The Division's efforts to help the international community, particularly the developing countries, to achieve consistent implementation of the Convention and derive the greatest benefit from their marine resources deserve, without any doubt, our sincerest appreciation.

The Convention's entry into force puts new responsibilities on the shoulders of the Secretariat. In this regard, it will be necessary to adapt and rearrange the resources assigned to the Secretariat so that it will be able to fulfil in the best possible way the new functions and responsibilities imposed on it by the Convention.

For Mexico it is extremely important to have a Division within the United Nations that provides orderly and systematic follow-up to the evolution of the law of the sea and to the work of other organs and bodies of the United Nations system. In this way we would ensure the consistent implementation of the provisions of the Convention.

Today, in addition to continuing to contribute to the better understanding of the Convention and its future challenges, the Division for Ocean Affairs and the Law of the Sea will have to give its best effort to promoting the optimum utilization of marine resources by all States so that the riches of the sea are exploited equitably and efficiently and in conformity with the objectives we all share in the area of sustainable development.

Mr. Bhakta (India): The consideration of the agenda item on the law of sea in the plenary Assembly today is particularly significant since we are meeting after the entry into force of the United Nations Convention on the Law of Sea. The United Nations can be justifiably proud of this singular achievement.

Last month the Government of Jamaica hosted the first meeting of the International Seabed Authority, for which I would like to convey my Government's sincere appreciation.

India believes that the codification of the law of the sea achieved in the United Nations Convention will contribute to the strengthening of cooperation and friendly relations among all nations, in conformity with the principles of justice and equal rights, and will promote the economic and social advancement for all people of the world.

We in India are particularly interested in the United Nations Convention on the Law of Sea for we believe that its scope and approach are comprehensive and intended to promote peaceful use of the seas and oceans, equitable and sustainable utilization of their resources and protection and preservation of the marine environment.

India is a registered pioneer investor under resolution II of 30 April 1982 and has been allotted a mine site in the central Indian Ocean. We hope the setting up and functioning of organs and subsidiary bodies of the International Seabed Authority will facilitate the development, acquisition and transfer of ocean-related technology, in particular deep-seabed-mining technology. We also hope that the provisions of the Convention and the Agreement relating to the implementation of Part XI will provide an opportunity for scientific and technological cooperation between developed and developing nations.

The United Nations Convention on the Law of the Sea is the result of a long and painstaking process of negotiations. My delegation hopes that the spirit of understanding and cooperation which enabled the Convention to come into force will be forthcoming as we begin the process of implementing its provisions. India is one of the original signatories of the Convention and has also signed the Agreement pertaining to Part XI. My Government has initiated the process of ratification, and we intend to accelerate this process. Until such time as India formally ratifies the United Nations Convention on the Law of the Sea, we will cooperate and play a constructive role in the functioning of the International Seabed Authority. We would also be interested in securing our place in the decision-making organs of the Authority.

Before concluding, I would like to take this opportunity to thank the Secretary-General for his report (A/49/631) on this agenda item.

Mr. Kalpagé (Sri Lanka): Since the signing, almost 12 years ago to the day, of the Convention on the Law of the Sea at Montego Bay, Jamaica, the international community has ventured far. A comprehensive legal regime to govern rationally the use and management of the oceans has now come into effect. Fundamental to the complex and balanced network of agreements governing all aspects of the use of the oceans has been the acceptance of the principle that its resources outside national jurisdiction constitute the common heritage of mankind.

Unlike outer space, the threshold of which humanity has barely crossed, the oceans have for centuries been very much in use, both in times of peace and in times of conflict. Some of the earliest rules affecting relationships between nations and peoples have been in respect of the seas. The Convention which has now entered into force has gone well beyond merely codifying traditional or historical practices. It is a far cry from setting laws on the basis of the distance travelled by a cannon ball.

New concepts have evolved in response to new situations. The concept of the 200-mile exclusive economic zone, for example, has been commented on by the International Court of Justice as a concept which has assumed the nature of customary international law, despite its relatively recent development. The Convention has also been able to take cognizance of geophysical particularities. Thus, principles incorporated in the Convention provide for delimitation of continental margins. In the case of Sri Lanka, for example, these have given to its people rights to extensive areas of the continental shelf for the exploitation of natural resources.

A long history of negotiations covering virtually every aspect of humanity's interaction with the oceans stands behind the Convention. Sri Lanka was a co-sponsor with Malta in 1967 of General Assembly resolution 2340 (XXII), which was the first resolution on the peaceful uses of the oceans and the ocean floor and the harnessing of their resources for the benefit of mankind. Sri Lanka has been fully supportive of the process leading to the Convention and was honoured to serve as Chairman of the United Nations Seabed

Committee and subsequently as President of the third United Nations Conference on the Law of the Sea.

Whatever the history of its evolution, the Convention marks more than the culmination of a successful negotiating process: it also marks, in an equally important sense, the beginning of a process, indeed an even more difficult process. The Convention must guide the international community's use of the resources of the ocean in a manner that is rational and just and one that would help sustain and develop, rather than squander, that wealth. One can hardly overemphasize the vital importance of the full and effective implementation of the Convention and its uniform and consistent application in all its aspects.

Three institutions vital for its implementation result from the Convention. The International Tribunal for the Law of the Sea, when set up, will play a central role in the peaceful resolution of disputes under the Convention. The Commission on the Limits of the Continental Shelf, to be set up later, is of interest to Sri Lanka given its special circumstances in regard to its continental margin. The establishment of the International Seabed Authority provides an institutional basis for the Convention and will develop in response to the demands made on it, in particular to help ensure the benefits of seabed resources for all.

The opportunity now exists, through this emerging global framework, for cooperative and efficient management of the oceans. All this requires, however, a major political commitment by all Governments, developed as well as developing. What a cooperative and mature approach can achieve has already been seen in a consensus reached on the Agreement for the Implementation of Part XI of the Convention. The same spirit must animate our efforts in the years to come.

The potential of the oceans is vast. Yet many developing countries, including Sri Lanka, which, as an island, has been blessed with significant marine areas under its jurisdiction for development, require technical and other means to tap this potential for the benefit their people. National, subregional and regional efforts to give practical effect to the Convention have become particularly vital. Such efforts are in complete harmony with the spirit and scope of the Convention.

The basic premise underlying such efforts was clarified in the resolution on the development of national marine-science technology and ocean service infrastructure adopted at the law of the sea Conference. In this context, the proposal for the Indian Ocean Marine Affairs Cooperation (IOMAC) was initiated by Sri Lanka in concert with a number of developing countries. IOMAC was a practical response to the 1982 Convention's call for regional cooperation. It encompasses a major ocean basin with 35 countries participating in its work. This is a practical endeavour in regional cooperation in which the participation of major maritime users and developed countries is both essential and welcome, particularly in the field of marine science and technology. The cooperation envisaged would go beyond the traditional donor-recipient relationships and seek to promote mutually beneficial partnerships, including in joint ventures. Through its Technical Cooperation Group, IOMAC provides practical mechanisms for promoting such cooperation.

The United Nations can proudly count the Convention on the Law of the Sea as one of its major contributions to global peace and development. The Organization's operational responsibilities in one sense have now been clarified following the adoption of the Convention and its entry into force. The draft resolution in document A/49/L.47 indicates the extent of the enhanced role of the Secretary-General and the United Nations in bringing the benefit of the law of the sea to all nations. Particular emphasis should be placed on assisting developing countries not only in reaping the benefits of the Convention but also in fulfilling obligations under it. The Organization needs to respond to requests of States, particularly developing States, for advice and assistance as well as to identify additional sources of support for national, subregional and regional efforts to implement the Convention. Similarly, other international organizations as well as development and funding institutions need to take into account, in their programmes and activities, the needs of States, especially developing States, for technical and financial assistance.

Given the complexity of the functions to be executed by the United Nations and in particular the Division for Ocean Affairs and the Law of the Sea, we look forward with interest to studying the reports to be submitted annually on developments relating to the law of the sea and the implementation of this resolution. The reports would help Member States monitor and review the vital process of implementation of the Convention in all its aspects. Sri Lanka is confident that the Secretary-General, the Office of the Legal Counsel and the Secretariat Division concerned will maintain the ongoing dialogue with developing countries.

We thank the Representative of Fiji for introducing the draft resolution contained in document A/49/L.47, which Sri Lanka is pleased to co-sponsor. Ambassador Satya Nandan's work in coordinating consultations on the draft and guiding it to consensus deserve our gratitude.

Finally, let me refer to the Hamilton Shirley Amerasinghe Memorial Fellowship set up to honour the memory of the former Sri Lanka Permanent Representative and President of the Third Conference on the Law of the Sea. The Fellowship seeks to promote study and research in the field of the law of the sea and the acquisition and wider application of additional knowledge in the field. Due to resource constraints, the Fellowship has been unfortunately constrained to use up its capital rather than, as originally envisaged, the annual income derived therefrom. In a modest way, Sri Lanka has sought to support this worthy endeavour. We strongly urge Member States to contribute to the further development of this worthy fellowship programme.

I would like to conclude by quoting a sentence from the address made by Ambassador Amerasinghe at the opening meeting of the Third United Nations Conference on the Law of the Sea. These words relate to his vision of the Convention, which we need to implement:

> "A convention ensuring a generally acceptable, stable and durable law of the sea not only would be a monument to the patience, perseverance, diplomatic skill and spirit of fraternal cooperation of the participants and the States they represented, but would also honour the highest ideals of the Charter and other international legal instruments which have sought to express the aspirations and yearnings of all peoples of the world."

Mr. Wibisono (Indonesia): The entry into force of the United Nations Convention on the Law of the Sea last month is a historic milestone in consolidating law and order governing oceans and the seas. Indonesia was indeed pleased to participate on that auspicious occasion of the first meeting of States parties, which was convened in Kingston, Jamaica, on 16 November 1994. This significant event heralds a new era in promoting cooperation between States in harnessing the vast oceanic resources with a view to sustainable development benefiting all mankind.

My delegation wishes to acknowledge the perseverance of the whole international community in overcoming the obstacles to achieving universal participation in the Convention. The adoption in July 1994 of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea was the successful outcome of four years of arduous consultations convened by the Secretary-General of the United Nations, which brought us to a final consensus on the outstanding issues.

Indonesia, as an archipelagic State and one of the Convention's most ardent supporters, has always attached great importance to this legal instrument. For it is the only comprehensive treaty governing all aspects of the various uses of the seas and their resources, whether they be strategic, political or economic. It is thus fitting to recall that the role of this historic international legal order is in keeping with the loftiest ideals of justice and respect for the rights and interests of every nation and its peoples.

Permit me now to comment briefly on the reports of the Secretary-General contained in documents A/49/631, A/49/469 and A/49/522, concerning the law of the sea.

We are pleased to note that States have continued to modify their legislation to reflect the provisions of the Convention. Indonesia, on its part, has since ratification of the Convention continued to update and review its national legislation in accordance with the principles of the new global order. These have included the archipelagic-State concept, the exclusive economic zone, marine scientific research, and preservation and protection of the environment.

At the regional level, Indonesia and members of the Association of South-East Asian Nations (ASEAN) have been actively engaged in promoting cooperation to foster peace and stability in our immediate environment. For example, we have been participating in informal talks to harmonize and coordinate policies in the South China Sea with a view to extending regional cooperation to that area as well.

In this connection, Indonesia was pleased to host the recent fifth workshop on managing potential conflict in the South China Sea, at Bukittinggi on 26 October 1994. We are deeply gratified by the progress achieved towards transforming the South China Sea from an area of potential conflict to one of cooperation, in particular in the field of economic cooperation and development. Further, during the last few years, there has been a growing trend towards *rapprochement* among the South China Sea States, and we are hopeful that that trend will continue to grow.

As the Secretary-General's report aptly points out, the entry into force of the Convention has focused attention, not only on the strengthening of international law in this area, but also on promoting general support for the implementation of Agenda 21. In this regard, this legal instrument, because of its important contribution to the maintenance of peace, justice and progress for all peoples of the world, is to be an indispensable common underpinning for the three "Agendas": the Agenda for Peace, the Agenda for Development and Agenda 21.

The three intergovernmental conferences — on straddling fish stocks and highly migratory fish stocks, on small island developing States, and on the protection of the marine environment from land-based activities — have objectives identical with strengthening the implementation of the Convention and related instruments, and with furthering international cooperation in ocean affairs at the global and regional levels.

The problems associated with high-seas straddling fish stocks and highly migratory fish stocks were not new to Member States. Delegations at the Third United Nations Conference on the Law of the Sea were very much aware of such issues. However, their attempts to resolve these problems effectively during the course of the negotiations that concluded in 1982 were not successful. Rather it was decided to leave their resolution to the States concerned with this issue in the various regions. During the last decade, the pressure on high-seas fisheries has grown rapidly and the urgency of resolving the problem has become more immediate. Renewed opportunity to do so emerged when the United Nations Conference on Environment and Development agreed to convene an intergovernmental conference under the auspices of the United Nations to promote the effective implementation of the law of the sea on straddling and on highly migratory fish stocks.

In this regard, the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks was charged with finding answers to problems such as inadequate management of high-seas fisheries, overutilization of certain stocks, unregulated fishing, overcapitalization, excessive fleet size, insufficient selection of gear and, more important, the acute lack of sufficient cooperation between States. At its fourth session, the Conference produced the revised version of a text entitled "Draft agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks" (A/CONF.164/22). That draft agreement should serve as a basis for future negotiations at the Conference and provide the framework for achieving compromise on the issues involved.

The convening of the Global Conference on the Sustainable Development of Small Island Developing States was a recognition of the fact that the geographical isolation of these small territories placed them in a particularly vulnerable position. The danger to their environment continues to escalate owing to the impact of potential climate change and of sea-level rise. Moreover, the frequency of natural disasters has had a negative impact on socio-economic development. Thus, the programmes call for cooperation at the regional and national levels, especially in the protection of coastal and marine resources. It is hoped that these adverse trends will be reversed and that it will be possible to pave the way for sustainable development in small island developing States.

There is growing concern about the degradation of the marine environment from land-based activities. In this connection, chapter 17, paragraph 17.24, of Agenda 21 emphasizes that in order to deal with these activities, it is necessary to implement integrated management and sustainable development of coastal and marine areas, including exclusive economic zones. Indonesia, with the longest coastline in the world, is deeply concerned about the potential disastrous impact both of global warming and of a rising sea level. We therefore enthusiastically support the conclusion of the United Nations Framework Convention on Climate Change, and we are pleased to be among its first signatories.

My delegation would like to express its appreciation to the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs. Over the years, it has played a vital role in coordinating various matters related to the Convention and in providing guidance to Member States on its uniform application. We are confident that the Secretariat will continue its good work.

Finally, it is pertinent to note the relevant conclusions of the Eleventh Ministerial Conference of the Movement of Non-Aligned Countries, held at Cairo from 31 May to 3 June 1994, which, *inter alia*, reiterated the importance of the Convention to the aspirations of the Movement's member countries and stressed the need for its universal acceptance through early ratification or accession. Indonesia reaffirms its support towards this end.

As in previous years, Indonesia is pleased to be among the sponsors of the draft resolution on this agenda item, and hopes that all members of the General Assembly will lend their support.

Programme of work

The President (*interpretation from French*): I wish to inform representatives that this afternoon an important recorded vote will be taken following the debate on agenda item 35. I therefore request representatives to be present in the General Assembly Hall at 3 o'clock sharp.

The meeting rose at 1 p.m.